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(or Add, or Sit Still in Class, or Take Notes)

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By Ruth Shalit

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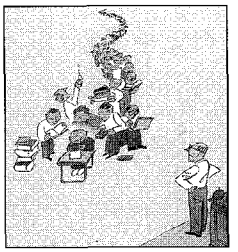

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CORRESPONDENCE

Law and disorder

To the editors:

In "Crying for Justice" (July 7), Michael J. Sandel writes that "a would-be assassin ... receives a lesser punishment than a successful assassin...." What balderdash! Though unsuccessful, I received exactly the same sentence—life—that would have been meted out had I succeeded. (In 1975 there was no federal death penalty, a lacking decried by my judge, who said that if ever there was a crime that called for the death penalty mine was it.) There are many people in prison, especially women, who were not active participants; or who were unsuccessful if they did act, who are serving the same sentence they would have received had they acted or had they been successful.

I'm becoming very, very tired of journalists throwing misstatements around. It's irresponsible and unprofessional. It is also misleading in that it hides the truth of the injustice threading through our "Justice System."

SARA JANE MOORE
Dublin, California

Editor's note:

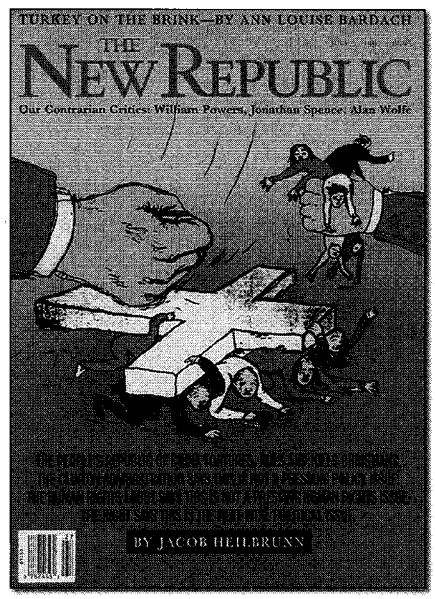
On September 22, 1975, Sara Jane Moore's attempt to shoot President Gerald Ford outside a hotel in San Francisco was foiled by a bystander who grabbed the would-be assassin's arm. Moore did receive the same sentence—life in prison—that she would have received had her attempt succeeded. But the federal criminal code does treat assassinations differently from failed attempts. The penalty for killing a president is mandatory life or the death penalty; the penalty for attempted assassination is any prison term up to life.

Right or wrong

To the editors:

Regarding Jacob Heilbrunn's "Christian Rights" (July 7), it comes as a surprise to the U.S. Catholic Conference that it is "beginning to make a U-turn on China." The Catholic Bishops are not newcomers to the issue of religious liberty or the persecution of believers in China and other parts of the world. Heilbrunn had copies of the most recent conference statements on these questions, including a Holy Week appeal for respect for religious freedom in China and elsewhere. The conference has long supported conditioning Most Favored Nation status on human rights and religious liberty performance by China. It first opposed renewal of MFN outright last year when few others were doing so. This year the relevant Conference Committee renewed opposition to MFN renewal at its January meeting, before some of those who later took up the cause.

Heilbrunn writes, seemingly apropos of nothing else in the article, that the National Conference of Catholic Bishops (not "Council" as the article had it) "has enjoyed warm relations with the radical American Muslim Council." If this is an appeal to assumed prejudices among possible readers, then those readers should know that the NCCB enjoys "warm relations" with a large


TURKEY ON THE BRINK—BY ANN LOUISE BARDACH
THE NEW REPUBLIC
Our Contrarian Critics: William Powers, Jonathan Spence, Alan Wolfe
BY JACOB HEILBRUNN

number of religious groups—Orthodox, Protestant, Jewish, Islamic, Buddhist and so forth—for the purposes of religious dialogue and of common action in defense of human life, human dignity and human rights.

JOHN L. CARR
U.S. Catholic Conference
Washington, D.C.

To the editors:

Jacob Heilbrunn doesn't let truth stand in the way of his zeal to claim that Human Rights Watch has supposedly ignored the fate of persecuted Christians. Illustrative is his citation of an unnamed "leading conservative activist" to assert that "House Speaker Newt Gingrich showed [me] a letter this spring signed by thirty religious leaders that expressed concern over religious persecution in China," and I "went over it line by line and attempted to eviscerate it."

The problem with this damning allegation is that I've never met Gingrich, never spoken to him, never even been in the same room with him. Nor have I seen the letter that Heilbrunn mentions, let alone commented on it.

Heilbrunn also charges that Human Rights Watch has maintained a "conspicuous" silence on the persecution of Christians in China. But Heilbrunn somehow neglects to mention the seven reports we have issued on the topic in the last five years.

Similarly, Heilbrunn claims that Human Rights Watch "buries religion in isolated sections" of our annual World Report. His evidence? Numerous examples of religious persecution are set forth in the heart of the book in the chapters on the responsible governments such as China, Sudan, Cuba, Mexico, Egypt, Zaire, Iran and Pakistan rather than in the back-of-the-book section on other concerns. I can imagine what he would have said if we had omitted all references to the persecution of Christians from the China chapter and instead stuck them in an isolated section at the end of the lengthy report.

KENNETH ROTH
Executive Director
Human Rights Watch
New York, New York

Jacob Heilbrunn replies:

Kenneth Roth is quite right to complain that he never saw the letter that Gingrich carried to Beijing. I regret the error. But the broader point about the indifference of Human Rights Watch to religious persecution stands. The special reports alluded to by Roth end in July 1996, just as the Chinese government was beginning to step up its persecution of Christians. Finally, in the Human Rights Watch World Report 1997, the words "beating" and "harassment" are used to describe official government policy—a policy that a more candid report would have called torture.

Stuffed Turkey

To the editors:

It is a pity that Ann Louise Bardach's thoughtful article ("A Real Turkey," July 7) is marred by so many inaccuracies: it is not the generals who expelled the Iranian envoy (he was not expelled but diplomatically went on extended "leave" after the Ministry of Foreign Affairs voiced its displeasure); it was certainly not the generals who "tossed the mayor into jail" (he was indicted through normal judiciary means and is now on trial); Tansu Ciller's father was never Mayor of Istanbul; Turgut Ozal, after a

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stint as Prime Minister, was Turkey's president when he died, etc.

There is no doubt that Turkey's military has "clout," but Bardach, like many others, has been a little rash in burying democracy in Turkey: President Demirel did not, as Bardach assumed he would, entrust Ciller with the task of forming a new government, which was formed, most democratically, by opposition leader Mesut Yilmaz.

IVAN G. SCHICK
New York, New York

Ann Louise Bardach replies:

Ivan G. Schick is very credulous if he believes that the Iranian envoy's "extended leave" is anything other than diplomatic spin for getting kicked out of the country or that the mayor who invited him and "was tossed in jail" was merely a victim of the "normal judiciary." In fact, the generals lobbied for both actions—but the point, which he willfully misses, is that most Turks, as well as the government, support the military's zeal to preserve secularism.

Gross indecency

To the editors:

I was surprised in reading Robert Brustein's "Homogenized Diversity" (July 7), a review of the new play about Oscar Wilde, *Gross Indecency*, to read the sentence: "Even in our more permissive time, when what Wilde called 'the love that dare not speak its name....' " Anyone who has ever read a biography of Wilde, as Brustein presumably has, would know that this famous line was *not* said or written by Wilde, but was a line from a poem by Lord Alfred Douglas, Wilde's paramour and nemesis.

TOM MORAN
New York, New York

Left out

To the editors:

Contrary to Alan Wolfe's repeated assertions in his review of *The Assault on Parenthood: How Our Culture Undermines the Family* ("The Jeremiah Racket," June 2), I neither devise nor propose a "no enemies to the right strategy." To the contrary: I roundly criticize Newt Gingrich, Bob Dole, the Reagan administration and many hallowed policies of the right. Admittedly, I praise the work of Michael Medved and Rita Kramer without mentioning they are conservatives. I also praise the work of Donna Gaines, David Guterson, Tipper Gore, Richard Wexler and many, many others without mentioning they are liberals.

It is Alan Wolfe, not I, who insists on playing the political card.

DANA MACK
Wilton, Connecticut

Ad nauseam

To the editors:

I have noticed with astonishment and growing consternation that a one-third-page ad invoking my entirely innocent name has run in TNR twice in recent weeks. The ad promotes a book by someone called David Horowitz, on the topic of how Horowitz used to be a left-wing fanatic and then became a right-wing fanatic. I am quoted saying something or other about Horowitz.

The quotation, from an article of mine in *The Village Voice* many years ago, is accurate. But the use of that quotation within the ad may leave an impression among readers that I have in some way endorsed Horowitz's book or its author. Not so. In my judgment, a worse book has never been written.

PAUL BERMAN
New York, New York

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FROM WASHINGTON

The freelance

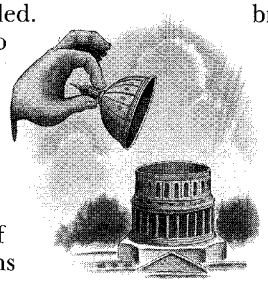
I'm not sure what Bill Weld thinks he is doing, and I'm not sure he is sure either, but, whatever he is doing, it is beginning to look like it has possibilities. When Weld first declared his intention of quitting the governorship of Massachusetts to serve as ambassador to Mexico, his decision seemed of merely quixotic interest. It appeared that he had simply tired of his job or the Massachusetts winters or something, and he had decided plausibly enough that life would be more fun in Acapulco. The president had agreed to nominate Weld as ambassador because he liked him, and because he wanted to do a favor for the Kennedys, who needed to get Weld out of the way of Congressman Joe's quest to become the first governor in the United States to have been certified by the Pope as mentally immature.

When Jesse Helms announced his intention to block Weld's nomination, this did not much raise the level of interest. Opposition by Helms is the permanent state of things. President Clinton would not expend any capital to save his nominee, of course. Helms would not back down, of course. The affair would play itself out in the usual fashion of challenges to Helms's authority, a nasty encounter ending with Weld hauling his bloodied and bowed self out of town and probably out of politics.

I suppose this is still how things will end. But maybe not. Friends of Weld and those who push the Weld storyline with the press argue that their champion's decision to stand up to Helms is not quixotic or even personal, that it is meant to launch the latest fight for the soul of the Republican Party. This is, to the press at least, an attractive notion. We like fights for the soul of the Republican Party even more than fights for the soul of the Democratic Party, because we don't care if anyone gets badly hurt. But is it true?

It might be. Helms offered Weld an alternative to a fight: he would grant him the ambassadorship to India, which would presumably be fine with the president. If Weld was in this only for Weld, you would think he would take Helms's offer. The post is at least as important as the Mexican gig, and the food is better. Moreover, it was dangerous for Weld to reject Helms's gambit. Weld's claim to a moral advantage in this fight was that he is perfectly fit to represent America in Mexico, and that Helms is blocking him out of sheer dislike for Weld's un-right positions on such social matters as abortion and homosexuality. Helms said that this was not true, that he objected to Weld only for the Mexico job and only because Weld's moderate record on a few drug issues suggests he is not the right choice for a country that is now the primary exporter of drugs to America. Yet Weld is declining India.

For Weld to stand and fight, he must be pigheaded or principled. Maybe he truly does want to mount an ideological challenge to the Helms wing of the GOP, and will take whatever quarrel he can get. Helms's people, among others, believe this to be the case. They accuse Weld of seeking the status of a Helms victim to enhance his stature as a national figure. "Who's extorting whom?" said one Helms aide bitterly.



What might result for Weld from a serious campaign against the Confederacy? Not an ambassadorship to Mexico. There is some small support for Weld within the Republican caucus, most notably voiced by the moderate Richard Lugar. Under Senate rules, Lugar and another Republican member of the Foreign Relations Committee could join the eight Democrats on the panel to force Helms to schedule a hearing and a vote—but not unless Helms decides to play along, since Helms controls the agenda of committee meetings. The other way around Helms is a harder route. The rules allow any senator to propose that a nomination that is stalled in committee be brought up for a full vote of the Senate. But the majority vote required for this is blockable by filibuster. No motion to bring Weld to the floor will succeed without the support of Majority Leader Trent Lott, and he will not cross Helms. So, unless Helms suffers a sudden attack of perspective, Weld is not going to become our man in Mexico.

But, if Weld is really intent on an intra-party war, that's fine. If this is what he is up to, he doesn't want to become ambassador to anywhere. He wants to make a big, splashy show of failing to become ambassador, and to use the publicity thus generated to ... do what? There are two choices. He can stay in the Republican Party and set himself up as a schismatic leader, representing voters who are conservative on fiscal matters, hard on crime and tending toward the libertarian view in such matters as abortion. (Forbesism with a human face.) Or he can declare that the GOP as it is currently constituted is no home for him and bolt to the Democrats. In either case, he would enjoy several unfettered years to intrigue the press and further the cause of Weld 2000.

The general assumption among the political types is that there is not much future in the first course. The Republican Party has only one wing now, the figuring goes, and no apostate can hope to make it through the primaries of a single election season, much less resurrect Rockefellerism. There doesn't seem much obvious room for immediate advancement by means of the Democrats either. Unless the Clinton administration is brought down by Kenneth Starr or Alan Greenspan, it is hard to imagine many Democratic voters in 2000 preferring a Republican carpetbagger to Al Gore.

But the short-term prospects of Weld the Iconoclast are misleading. In the context of current politics, Weld has a potential that could grow rapidly and unpredictably. Both parties remain engaged in a struggle to define and control a public philosophy that can capture and sustain a majority. Whichever party comes to it, that philosophy is going to look a lot like Weldism or, to put it another way, post-1994 Clinton-Goreism. At least for the immediate future, any politician who can realistically aspire to the White House is not going to come from the serious left or the serious right of the territory exemplified by (to pick an obvious example) the new Clinton-Lott balanced budget deal.

In fact, the absolutely ideal position these days is not where Clinton-Gore stands. It is just slightly to its right. Which is where Weld, if he is serious, and if he remains serious, will find himself. And he will have positioned himself by seeming not to position himself. Weld's slightly peculiar, ill-fated, fight with Helms suggests a quality that could lift him and set him apart faster than anyone expects. As the parties redefine themselves, an attractive politician who is perceived to be acting on the strength of his own passions, unstructured by imagists and unfocused by group, running apart from and even in opposition to the old bulls of his party, can form, in the space of an election cycle, what amounts to a new party. The last two politicians who pulled this off were Bill Clinton in 1992 and Newt Gingrich in 1994. Maybe New Delhi isn't far enough.

MICHAEL KELLY

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THE NEW REPUBLIC

AUGUST 25, 1997

UNFEARLESS LEADER

A few hours after the marketplace in Jerusalem had been turned into a charnel house by the bombs of two Palestinian terrorists, Yasir Arafat went on Israeli television and addressed Israel in English. "I condemn completely these terrorist activities," he declared, "because it is against the peace process, against the Palestinians, and against Israelis." The moral obtuseness of the man is astounding. His roster of victims was exactly backwards. That was not the peace process lying in the alleys of Mahane Yehuda moaning and bleeding, those were Israelis; and those were not the limbs of the peace process that were being gathered up for burial. It is certainly not in the interest of the Palestinians that the radicals in their midst continue on their murderous course; but it was not the most urgent task of the Palestinian leader, morally and politically, to console the Palestinians before he consoled the Israelis. And then, having referred finally to the actual targets of the bombs, Arafat said: "We hope that Mr. Netanyahu will not give any excuse for these terrorists to use—those who are against the peace process—but [will] carry on with the peace process."

Mr. Netanyahu! This, from the man who has made half a career as leader of the Palestinian Authority giving excuses to terrorists who are against the peace process! We say half a career because we are not unaware of the other half of Arafat's career, which is to murmur lovely irenic things to the reporters and to the diplomats, so that it will appear that this time it is not Goliath who comes forth from Gaza but David, and all that stands between the Israeli-Palestinian conflict and its transformation into an idyll of democracy and prosperity is the smooth and belligerent man who occupies the prime minister's office in Jerusalem.

We understand that Netanyahu is not exactly unsmooth or unbelligerent, and we note also that Hamas has chillingly exposed the fiction that helped to elect him: that such atrocities would cease when the Likud rescued Israel from the ingenuous grip of Labor. But this is not the moment to bear down on Netanyahu. This is the moment to bear down on Arafat. For all his whining about his powerlessness, Arafat is not so powerless that he cannot destroy what has been accomplished, and what remains to be accomplished, as a consequence of the hour of light known as Oslo.

The fact is that an infinitesimal man stands at the head of the Palestinian national movement. He runs a paranoid, repressive realm that Israeli territorial concessions will only make larger. He does not appear to grasp the rudiments of a free and fair society. He lives in a universe of conspiracies, and so he has equipped the fledgling Palestine with a preposterous number of security services. His government is so corrupt that a panel of Palestinian legislators has determined that nearly half of the Palestinian Authority's budget for 1996 was mismanaged or skimmed, and it has recommended that Arafat dismiss his entire Cabinet and start again. He is a tinny creature of maneuvers and complaints. He has never said anything, to Palestinians or to Israelis, to suggest that he comprehends the magnitude of the historical moment. He wants only to be given stuff, and not to be assassinated.

No, that is not right. There are times when Arafat speaks a visionary language. Those are the times when he speaks of Palestinian terrorists who have died when they have killed. In those circumstances, all his condemnations of violence notwithstanding, Arafat's vocabulary turns fiery and martyrological. He is not Hamas; but he is not a delegitimator of Hamas, either. There are crackdowns on Islamic Jihad and there are winks at Islamic jihad. Ghazi Jabali, the Arafat-appointed commander of the Palestinian police in the West Bank and Gaza, has himself reportedly ordered attacks against Jews. The falseness of Arafat's policy is plain to all: to Israelis, to Palestinians, to Americans. It is the policy of a man who mistakes his own survival for the survival of his people.

Within an hour of the carnage in Mahane Yehuda, a spokesman for the Israeli government said, "We don't expect 100 percent success from the Palestinian Authority in preventing such terrorist attacks. We ourselves had not had that. But we do expect 100 percent effort." This strikes us as right and reasonable. The Clinton administration must stop sighing over Arafat's imperfections and make him understand that the future of Palestine depends on his willingness to crush the terrorists. Does Benjamin Netanyahu wish to scuttle the peace process? Perhaps. But Yasir Arafat may deprive him of the pleasure. •

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NOTEBOOK

THREE STRIKES AND YOU'RE IN: It is said that Americans are becoming a harder and less kindly people, but every once in a while we come across a story that reminds us that we are, still, a simple, generous folk. The saga of one recent immigrant's welcome to our nation is one such tale. When the Palestinian emigrant Ghazi Ibrahim Abu Maizar, arrested last week in his Brooklyn apartment as he was evidently preparing to blow up New York's subway stations, first traipsed across the Canadian border into Washington state back in 1996, the U.S. Border Patrol politely told him he could not stay. He tried again. And, again, the good Americans on the Border Patrol explained that it was against the law to enter the United States without permission, and directed him back across the border. In January, Abu Maizar tried a third time, and was caught a third time. This time, the immigration service's watchdogs reluctantly concluded that they had a lawbreaker on their hands, and they took Abu Maizar into custody and began formal proceedings to deport him. But America's rules of deportation allow a potential expellee to post bond, and, in Abu Maizar's case, an immigration judge set the bond at $15,000 before lowering it to a quite reasonable $5,000, despite the fact that Abu Maizar had been earlier charged with assault and use of a stolen credit card in Canada. Abu Maizar met his bond, and so he was free again. By now, the plucky immigrant had figured out that the system could work for him. He showed up for his hearings, and he did not yell "Death to the Zionists" in the courtroom or anything like that, and the immigration judge concluded that he was obviously a man to be trusted. So, on June 23, Abu Maizar was granted sixty days to effect a "voluntary departure under safeguards," meaning that he promised to leave the country on his own, after "settling his affairs." Well, some affairs—mass murder, for instance—are more complicated than others, and Abu Maizar was still settling his when police raided his bomb-loaded apartment on July 31. According to news reports, one of the still-unsettled matters found in the raid was his application for political asylum. He deserved asylum, Abu Maizar had claimed in his application, because Israel had subjected him to political persecution. How? The Israelis, he said, had once falsely accused him of being a terrorist. Such an *untrusting* lot, those Israelis.

GROPING FOR RESPECTABILITY: In his diaries, former Oregon Senator Bob Packwood dreamt of cashing in as a "lobbyist at five or six or four hundred thousand" dollars a year. But when Packwood resigned in disgrace nearly two years ago, even he was down on his prospects. "They say leaving office is like death," he told *GQ*. "Your hair and fingernails keep growing, but your phone doesn't ring very much anymore." That certainly may be true, but Packwood's lobbying career is flourishing after all. To ease him back onto his feet last year, the American Business Task Force, a conservative fund-raising group, solicited pro-tax reform donations to underwrite the fallen fondler. He has since earned tens of thousands of dollars lobbying for a coalition of lumber and natural resource interests. Last month, Packwood signed on with Connecticut's Bergman, Horowitz & Reynolds, a tax and estate law firm. Even more impressively, he has rehabilitated his tarnished public image. *The Washington Post* recently quoted him as a tax expert, and, not long ago, he appeared in the webzine *Slate* to debate columnist James Glassman over tax policy. In that exchange, Packwood likened himself to Shane from the famous movie. Come back, Bob. Come back.

FREDDIE HACK: Also back from the politically dead is former Senator Dennis DeConcini, whom President Clinton last week tapped as a director at Freddie Mac, the federally chartered corporation that administers residential mortgages. You remember DeConcini: in 1995, he retired from the Senate after the Ethics Committee reprimanded him for his role in the Keating Five scandal. DeConcini had tried to get federal regulators to go easy on savings and loan executive Charles Keating, who had swindled his depositors of millions and had donated $85,000 to DeConcini's campaign in the 1980s. We know the White House ethics staffers have their hands full with current scandals, but somebody could have at least solicited a character reference from the president's personal lawyer, Bob Bennett. Back in 1990, Bennett investigated the Keating Five for the Ethics Committee. His recommendation: give DeConcini a real punishment, not just a reprimand.

RACE TO THE FINISH: Not long ago, we commented on the dangers of charter schools, noting the striking story of Susan Ferrechio, a *Washington Times* reporter who was allegedly beaten by a mob of students at Washington's Marcus Garvey Public Charter School. The principal of the school, Mary A.T. Anigbo, was accused of personally attacking the reporter, and she is now among those on trial in the matter. Anigbo's lawyers, it will shock readers to learn, have adopted the Cochran defense, denouncing the trial as a racist plot: Anigbo and the others charged in the assault on the white reporter are being framed by the cops, the press and the prosecutors because they are black. The evidence so far has indeed indicated that racism was at the heart of the incident. A black police captain has testified that he heard one of the defendants—a kindergarten teacher—brag, "[we] whipped the white photographer's ass." Ferrechio testified that Anigbo yelled, "get your white ass out of my school" and called her a "white bitch." Black police officer Darrell Best testified that Anigbo told him that he was "working for the white man" and that "just because someone's skin is black doesn't mean they're black." Then she pointed to the *Times* photographer and said, "Why are you letting that white man take those pictures?" Oops. Sorry. Wrong racism. •

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I WISH I WERE GOING WITH YOU, BUT SOMEONE HAS TO BE HERE TO WRITE THE LETTER OF CONDOLENCE...
DANZIGER
Los Angeles Times Syndicate

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Chairman Arafat:

You can't have it both ways. Which road are you on, to *jihad* or to peace?

For **everyone's** sake, we pray it's peace.

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ON THE HILL

DODD MAN OUT

By Ed Henry

The appearance, several weeks ago, of former Republican National Committee Chairman Haley Barbour before the Senate panel investigating campaign fund-raising was meant to signal that Congress was serious about scrutinizing the abuses of both parties. Hauled into the witness chair, Barbour was obliged to sit through over five hours of polite grilling on what even the Republican chairman of the committee, Fred Thompson, chastised as his "radioactive" fund-raising practices. Quite properly, the senators lectured Barbour and frowned at him and generally held him up as an example, so that all the other miscreants out there would see what might befall them, and tremble.

The other miscreants might, however, have taken a different message from the proceedings. They might have taken the point of the man who wasn't there. Connecticut Senator Christopher J. Dodd would have seemed a likely suspect to end up in the Thompson committee dock, if only for the sake of parellelism. Barbour's counterpart as co-chairman of the Democratic National Committee, Dodd was manifestly in a position to know a good deal about the goings on that are at the center of the Senate investigation, the Clinton-DNC soft money operation. And yet, so far at least, Dodd has been virtually ignored by the committee, even by its Republican members. As of August 1, Thompson's committee had not yet even contacted the Connecticut Democrat, despite the fact that Dodd is entirely willing to cooperate; he has been volunteering to provide testimony since February.

Democrats insist Dodd has not been called because there is no reason to call him: he is innocent, he knows nothing. Yet many witnesses, including Barbour and Dodd's DNC co-chair, Don Fowler, have maintained their innocence, too, and still have been dragged before the committee for questioning. The real difference between Barbour and Dodd is that Dodd enjoys, in the context of a congressional investigation, the ultimate protection: unlike Barbour, he is a senator—a seventeen-year member of the club. Barbour's cronies feel the distinction bitterly. "Haley's party obeyed the law, and Dodd's party broke it," says Ed Gillespie, a former RNC spokesman who now lobbies with Barbour. "But Haley ran for the Senate and lost, and Dodd ran and won."

Illinois Senator Richard J. Durbin, a key committee Democrat, suggests that Republicans are dodging Dodd out of fear that Democrats will retaliate against top Republicans, including New York Senator Alfonse D'Amato, who headed the senatorial campaign committee in the last election and has never been known for his fund-raising purity. Democrats, of course, are happy to inflame such fears. "If they want to go to that level," says Durbin, "certainly there are some Republican senators we would call to testify to explain their side of the story." A Democratic aide on the investigating committee is even bolder, threatening to subpoena Speaker Newt Gingrich. "If they want to call Dodd, fine, let's get it on," the aide warns. "This is the road of no return."

A road that few members are willing to take. Congress might not be the amiable institution it once was, but, when it comes to subpoenaing fellow members, comity is rediscovered. "Nobody up here likes to touch one of their own," says one GOP leadership aide, "especially when it exposes everybody else to inquiry."

And especially when such exposure might be embarrassing. There is more at stake in the disinclination to interrogate Dodd than mere senatorial precedent, or the perception of fairness. Although Dodd has insisted it was not his "responsibility or function to really get involved in the day-to-day fund-raising activities," White House documents indicate that, at times, he was very much involved in the party's fund-raising machine. Indeed, only a few weeks after Dodd made these denials in February, James Belcher, a Connecticut businessman, told *Roll Call* that Dodd helped shake $120,000 out of him by linking contributions to intercession for government favors. Belcher alleges that he contributed the money to the DNC only after Dodd lobbied the State Department on behalf of Belcher's rubber company. And Federal Election Commission records show that Belcher, who had not made a political contribution in the six years prior to the election, delivered $50,000 to the DNC on December 21, 1995, the same day he attended a White House coffee with Dodd. The DNC received the remaining $70,000 within the next few months.

Dodd originally denied attending the coffee with Belcher, which was also attended by Eric Wynn, a stock promoter with alleged mob ties. "I didn't attend the one with the felon," Dodd said flatly. But after I reported in *Roll Call* that Belcher remembered greeting Dodd at the coffee, Dodd told *The Hartford Courant*, "I would not argue I was there and I would not argue I was not there. I wouldn't deny I was there now."

There is other evidence of Dodd's immersion in the fund-raising process. According to a July 1995 memo from Harold Ickes, the former deputy White House chief of staff, the administration started to feel uneasy about a DNC brochure offering special access to $100,000 contributors. Fowler tried to stop the unseemly practice, and even lobbied for an end to large soft money contributions. But Dodd, according to the memo, told Ickes to move strongly ahead. "Chairman Dodd feels

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very strongly that we are not in a position to cease the fund-raising techniques, but agrees that the brochures should no longer be used," wrote Ickes. In other words: keep on trading access, just don't advertise it.

Some of this has piqued Senate investigators, especially the fact that, for most of 1996, Dodd attended a weekly meeting of the president's top advisers in the White House residence, where all major political decisions were vetted. Now, there are some signs that the Republicans, at least, are approaching the idea of approaching a senator. GOP investigators, insisting they are uncowed by Democratic threats or Senate protocol, say they plan to "interview" Dodd during the August recess.

Yet, the GOP probers admit that Dodd's senatorial cover may still hold; the former DNC general chairman may never have to provide a sworn deposition or public testimony. And Dodd certainly seems unfazed. The same week that Barbour was being grilled by the committee, Dodd was nibbling on bow-tie pasta and pesto sauce at a fund-raiser in Washington for his re-election next year. "I don't think all of this stuff," said Tony Podesta, the lobbyist who hosted the event, "will have the slightest impact on Chris Dodd's campaign or career."

ED HENRY is a congressional reporter for *Roll Call*.

Whose budget is it?

RUBIN SANDWICH

By John B. Judis

As budget negotiations were nearing a close in late July, House Ways and Means Chairman Bill Archer kept running into the same problem: Treasury Secretary Robert Rubin. Over and over again, Archer thought he'd won administration support for his conservative tax proposals—only to have Rubin break the apparent consensus. "At least we agree on the basic outlines," Archer said as a July 22 meeting between the White House and the congressional leadership was about to break up. There was a brief silence, and then Rubin jumped in. "No, I don't think we do." Rubin repeated the main points that separated the different sides in the budget negotiation. Archer winced, and the meeting dissolved in discord.

The objects of Rubin's ire were proposals by Archer and the GOP to grant enormous tax breaks to wealthy investors while denying them to the working poor on the grounds that doing so would amount to "welfare." Said one administration official who sat in on the negotiations, "Rubin is not a liberal, but he was also offended, very deeply offended, by Archer and what Archer did." This, of course, irked Archer and the Republicans, not just because it made their job tough but because Rubin, former CEO of Goldman, Sachs, seemed like such a natural ally. "They hate Bob Rubin because he is rich," said one Capitol Hill negotiator after the July 22 meeting. "They think that he should be on their side, and they don't understand what his problem is."

Eventually, House Speaker Newt Gingrich and Senate Majority Leader Trent Lott broke the impasse by going ahead without Archer and Senate Finance Committee Chairman William Roth on the team. By the time the final deal was announced on July 28, Rubin had won key battles over the details of tax provisions. But, for all of his deft maneuvering, Rubin still lost the war over the bill's basic thrust.

For sure, Rubin deserves credit for his victories. He forced the Republicans to drop Archer's plan to index the taxation of capital gains—a deficit-expanding proposal that would have provided still greater benefits to people whose income comes from stocks rather than salary. Rubin also forced the Republicans to extend the $500-per-child credit to low-income families who receive the earned income tax credit. Rubin even got the GOP to drop their scheme to extend tax-free IRAs to upper-income taxpayers. Another, less publicized, change came on the last day of the talks, when Rubin sprung a plan to change the capital gains tax cut so that it only applied to investments held longer than eighteen months. The GOP agreed.

In practice, this last provision favors long-term investors over hedge-fund operators, arbitrageurs and other speculators who rely on relatively quick sales. It also potentially reduces securities firms' commissions, which, in turn, split the lobbying community. The Securities Industry Association was predictably outraged, but the National Venture Capital Association was perfectly agreeable. "We're long-term investors ourselves," the association's Mark Heesen said.

More significantly, from a political standpoint, Rubin's ploy intensified bad feelings within the Republican Party. The change directly affects investors like Richard Gilder, Tucker Andersen and Howard Rich, who, as members of the Political Club for Growth, have bankrolled many Republican organizations, including GOPAC, and are major funders of the supply-side movement. With Steve Forbes, Jack Kemp and Pete duPont as their political arm—and Robert Novak, *The Wall Street Journal* editorial page staff and Jude Wanniski as their publicists—they form a powerful faction within the Republican Party. After learning of the eighteen-month provision, some of them renewed their call to oust Gingrich, whom they blame for the betrayal. Gilder, the founder of the Political Club for Growth, blustered, "I don't know why we are Republicans. I am going to quit the Republican Party and join the Communist Party and really have a revolution."

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But while Rubin can muse about his modest contribution to the Republican fratricide, that doesn't change the fact that the administration has signed off on a seriously flawed tax bill—a bill that defies every standard by which tax bills have been judged. Tax bills, it is often argued, should simplify an already rococo code. This one adds incredible new gewgaws and curlicues. There are now at least six different rates at which capital gains are taxed. There are four different tax strategies that parents can use to help send their children to college. Any middle-class parent who wants to take advantage of these credits and deductions will need to hire an accountant.

Tax bills are also supposed to be fair, and, while the definition of fairness varies depending on who you ask, this one satisfies none of them. After two decades in which the private market has created wide disparities between income classes, this bill gives the wealthiest 20 percent over 75 percent of the benefits, according to Citizens for Tax Justice. In addition, people who have equal incomes will face spectacularly different tax bills, depending on everything from how they make their money to whether their children are in school. It will be a bonanza for accountants—and a new liability to anyone who can't afford one.

Tax bills are also supposed to help the economy by encouraging stable growth. Yet, while the education credits President Clinton so desperately sought might help a little to create a more competitive work force in the next century, nothing else in the bill will have a beneficial impact. Credible economists have yet to demonstrate that cutting capital gains tax rates spurs economic growth. In testimony this spring before the Senate Finance Committee, former Federal Reserve Chairman Paul Volcker remarked, "I'm not going to argue cause and effect, that the high capital gains taxes actually caused a good economy. But it's very hard to argue, I think, that a reduction in capital gains tax is vital to economic activity."

Even Rubin's scheme to force longer-term investments can't redeem the capital gains break. In fact, Rubin's plan to encourage patient capital—while popular in the early 1990s—no longer wins support from most tax experts. Jane Gravelle and Donald Kiefer from the Congressional Research Service and Margaret Blair and William Gale at the Brookings Institution all doubt that getting people to hold stock longer will necessarily affect whether corporate managers undertake long-term investments. And if corporate managers, whose investment patterns directly affect economic performance, don't change their behavior, then the economic benefit Rubin promised will be negligible. This whole argument, Gale says, is just "another disguised reason to give a capital gains tax cut."

Meanwhile, the tax provisions could have a disastrous effect on the deficit after 2002. Many of them are "backloaded" to take effect after that. Some of the capital gains cuts won't begin drawing out revenue until 2006. The bill also creates new "backloaded IRAs." In the past, taxpayers got to deduct from their current tax bill the money they put into IRAs, but would have to pay taxes on it when they finally withdrew it. Under the new plan, they would include the money invested in an IRA in their current taxable income, but would not pay taxes when they pull money out. In effect, the interest they make would be tax-free. That will cost the Treasury billions over the next few decades.

There are, in fact, very few redeeming features of this tax bill. Rubin may have prevented a massacre of the tax code, but he settled for a rout. The major beneficiaries of this bill are not Americans as a whole but the individuals who live in the affluent suburbs of Archer's Houston and Gingrich's Atlanta and who now vote Republican. They will take this bill to the bank, while the rest of us pay for it. •

A limited defense of chemical castration.

KINDER CUT

By Craig Turk

Last year, the California legislature became the first state to mandate "chemical castration"—the temporary and reversible suppression of sex drive through hormone shots—for several classes of convicted sexual predators. And sometime next year, a California court will almost certainly strike down the law. The court will likely say that the law is too vague, that the treatment may not always work and that the measure as written is "cruel and unusual punishment." In all of this, the court will be absolutely correct.

But lawmakers in Florida, Michigan, Massachusetts, Missouri, Texas and Washington should not abandon their efforts to pass similar laws just yet. In at least some cases, injections of medroxyprogesterone acetate (more commonly called Depo-Provera) can function as a sexual appetite suppressant, keeping convicted molesters from harming again. Moreover, when administered as part of a broader psychological treatment regimen, the shots can actually help in rehabilitation. California erred mainly by passing a law that applied the treatment so indiscriminately. A more carefully tailored measure—one that invoked chemical castration in more limited circumstances—would not only be an effective crime deterrent and rehabilitation tool, it is also more likely to pass constitutional muster.

Under California's law, which took effect in January, state courts can force anyone convicted of molesting children younger than 13 to undergo, as a condition of parole, Depo-Provera shots, which reduce testosterone to prepuberty levels and are supposed to prevent sex offenders from molesting again. After a second conviction, injections are mandatory. The concept of chemical castration is not new. Though not quite as effective

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as surgical castration—an option California graciously offers, presumably for felons who really hate needles—physicians have used drugs like Depo-Provera for over twenty years. Published data strongly indicate that very low testosterone levels correlate with low sexual libido for men, and several studies have shown such treatment works in controlling the sexual behavior of certain types of pedophiles. Some of the most striking results, frequently touted by proponents of the California legislation, come from studies in Denmark and Switzerland, where voluntary chemical castration reduced recidivism rates from 50 percent or higher to substantially less than 10 percent. In a widely cited statement, one Danish sex offender raved, "My sex fantasies, which once made me a criminal, are gone. Watching a pornographic movie is like watching the evening news."

But if California had bothered to check the details of these studies, it would have known better than to mandate chemical castration for such a broad class of sexual criminals. For starters, the European studies used small samples and lacked adequate control groups. Everyone who underwent the treatment did so voluntarily, which suggests the participants at least wanted to be treated and raises questions about whether Depo-Provera would work for offenders less eager to be reformed.

What's more, sex offenders are not a homogeneous group: even among those who prey only upon children, there are numerous types. Some individuals cannot attain sexual or emotional satisfaction with adults at all; others, such as the mentally retarded, sometimes turn to children because they cannot deal successfully or maturely with adults. There are those whose crimes are the product of impaired judgment—one study recently concluded that as many as 76 percent of sex offenders abuse alcohol, and that half of their crimes are committed while the offender is intoxicated. And there are also sadistic offenders motivated by malice.

Depo-Provera may help control the trenchcoat-wearing, candy-toting playground stalker, yet the evidence suggests it will do little to prevent crimes against children by predators who act for reasons other than sexual gratification, who harm children out of rage and emotional imbalance, or whose gratification for their crimes may not be wholly sexual. The only way to keep these criminals from molesting again, experts say, is to keep them in prison, or through intensive treatment and counseling. The California Psychiatric Association, which like most medical groups has opposed the California law, concluded: "While we support efforts in finding effective methods of stopping sex offenders from reoffending, psychiatrists fundamentally believe that not all offenders would necessarily benefit from this type of treatment intervention and that treatment is most effective when the person agrees to try to change their behavior."

For practical purposes, this might not seem like a fatal flaw, given that the safety of children is at stake. "Nothing's 100 percent," says Assemblyman Bill Hoge of Pasadena, who introduced the bill after being sickened by a story of a child rape in Texas. The courts, however, will probably see things differently. There is, first, the question of whether chemical castration amounts to "cruel and unusual punishment," as prohibited by the Eighth Amendment. Although jurisprudence in this area is somewhat muddled, it generally involves evaluations of how a punishment was viewed historically and how it meets modern standards of decency.

Given the nature of the crimes at issue, the high-tech elegance of the procedure and its considerable political popularity, courts are unlikely to strike down Depo-Provera injections as cruel and unusual—if they are used in cases in which the treatment works. But, because the California law applies the punishment indiscriminately, it is constitutionally vulnerable: it may seem like we cannot be cruel enough to child molesters, but the Constitution makes no allowances for pure vindictiveness. Forcing weekly injections of a hormone—particularly one not FDA-approved for such purposes—on criminals who will not be controlled or rehabilitated by it is precisely the kind of severe and random punishment the Eighth Amendment sought to prohibit.

Another legal issue concerns the Fourteenth Amendment, which prohibits deprivation of life, liberty or property without due process. Although the Supreme Court has not recognized a right to a libido, it has declared—in a 1942 decision striking down involuntary sterilization for habitual felons—that procreation is a "basic civil right of man." While chemical castration is reversible, and while it does not necessarily impair functioning to the point of making intercourse or procreation impossible for men, it does make procreation temporarily impossible for women. Indeed, for women Depo-Provera is a form of birth control—and it does not dampen their libidos.

To justify this infringement upon a fundamental right—the right to procreate—the state must show that it has a compelling interest, "narrowly tailored" to the situation involved. Controlling convicted child molesters through hormone suppression is likely to satisfy the "compelling state interest" test: sex crimes against children are a serious public problem, and Depo-Provera treatments can help redress it in some cases. But California's program fails the "narrowly tailored" test: Depo-Provera's temporary sterilization of women has nothing to do with the professed goal of lowering offenders' sex drives. And, even if it had been limited to men, the California law does not ensure that only those who can be helped by the process are chemically castrated.

This is not a case of unjustified public rage, but of legislative pandering subverting a potentially effective solution to a barbaric problem. Proponents of California's law claim their measure is better than nothing, but lawmakers elsewhere should realize that nothing is not the only alternative.

CRAIG TURK is a law student and former managing editor of *The Public Interest.*

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MYTHS OF THE UNLOVED

By Cinqué Henderson

The Ku Klux Klan owns Church's Chicken and poisons blacks with addictive, deadly ingredients. Tropical Fantasy puts chemicals in its soda to sterilize black men. The CIA runs drugs in South Central Los Angeles.

It is difficult to hear myths like these—myths that have gained surprisingly wide acceptance in the black community—and not realize something is dreadfully wrong with race relations in the United States. When the Kerner Commission concluded nearly thirty years ago that America was "moving towards two societies, one black, one white, separate and unequal," it failed to point out that the gross material disparities would be attended by equally vast psychological ones. In this context, Bill Clinton's national dialogue on race actually seems like a hopeful idea: What is psychology, after all, if not the therapy of curing neuroses through conversation?

But don't be surprised if the conversation leads off in some unexpected directions. Even though the persistence of these theories defies logic (the CIA myth, for example, has been largely disavowed by the very newspaper that started it), the "paranoid style," as Richard Hofstadter calls it, has a long, sometimes distinguished history in this country—particularly among those who, as he says, see only the consequences of power, and not the inner workings. As the historian Bernard Bailyn argued thirty years ago, the "fear of a comprehensive conspiracy against liberty throughout the English-speaking world ... lay at the heart of the Revolutionary movement." America, in other words, was founded by conspiracy nuts.

The Eso Won bookstore sits in the heart of black L.A. One block west of Martin Luther King Boulevard, just south of Magic Johnson Theaters, it is California's largest black-owned bookstore. At the back of the store, next to the shelf on black health care, there is an entire shelf devoted to conspiracies, some 200 books in all. The best is Patricia Turner's *I Heard It Through the Grapevine*, which, despite some of its more questionable conclusions, provides a fascinating survey of the unlikely and sometimes bizarre beliefs that manifest themselves in the black community. As Turner notes, no myth has enjoyed more durability than the rumor of CIA drug-running in South Central Los Angeles. (Small wonder, given what crack has done to black communities.)

The crucial point, which she makes only glancingly, is described this way: "About 80 percent of my informants reported [belief in] what I call 'malicious intent,' " but when questioned more directly, "most professed greater belief in what I call 'benign neglect.' " Maxine Waters, South Central's representative in Congress, invokes similar language when it comes to the CIA-crack theory: "It confirmed many of the suspicions about some plot or some negligence on the part of the government...." Yet what an odd statement to make so offhandedly: "some plot or some negligence." Trussed together as these words are, it is easy to overlook the fact that "plot" and "negligence" describe fundamentally different things. How you get from one to the other tells a lot about being black in America.

I have a friend who believes the CIA did what everyone says it did. Her brother is in jail for crack possession. He won't speak to her because she prayed for him to be arrested, and, as far as she is concerned, God heard and answered. She worries about her brother still, but knows of no decent drug rehab program in the county where she lives, so she is content to let him stay in jail. At first, she said she thought the government just didn't care about blacks and crack. She was "fed up" with the police's unwillingness to fight the drug sales where she lives. "They [crack addicts] come and go big as day, and the police just sit there." Recalling her family's attempt to get her brother into a program, she despaired, "We tried and tried. Didn't nobody lift a finger. They didn't care whether we lived or died." And then the despair turned to anger. "I believe what they say," she says, her voice rising. "I wouldn't put it past none of them. They out to get black people." Belief in the CIA myth gives my friend a measure of peace. She had considered the possibility of neglect and found the argument wanting, deciding, ultimately, that conspiracy was more plausible. This may have to do with an overestimation of the government's power, but I think the switch, as sudden and surprising as it was, was occasioned by something more powerful than reason: love.

Black Americans, despite themselves, are deeply pa-

CINQUÉ HENDERSON has written for *Newsweek* and *The Boston Globe*.

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triotic; and the popularity of conspiracy theories is, in its own odd way, a heartfelt expression of this patriotism. Strange as it sounds, black conspiracy theories remain popular precisely because so few of us are willing to believe the alternative: that our depressed stature in the American hierarchy is due in large part to America's indifference to black suffering. We contrive elaborate ways of concealing it, but the idea that this country and only this country is ours, that, at the last, there is no place for us but here, is impossible to deny.

In 1963, Maya Angelou came to this realization while in Ghana. She and a band of fellow black expatriates, calling themselves the "Revolutionist Returnees," were there during the historic March on Washington, doing what most black radicals were doing: dressing like Africans, eating like Africans, calling themselves African. The Returnees had long since abandoned King's nonviolent philosophy for more radical postures. After word spread among them that W. E. B. DuBois, the great black nationalist, had died, the Returnees, in a powerful show of transatlantic solidarity, staged a march against the U.S. Embassy. When two soldiers came out the door, carrying a folded American flag, the crowd began to jeer, "This isn't Iwo Jima.... You haven't taken Bunker Hill, you know. This is Africa!"

The two soldiers, one black, one white, nervously fumbled the flag, and it began to sag toward the ground. The black man hurriedly caught the cloth and "folded it lovingly into the White soldier's arms." Angelou later concluded, "I shuddered to think that while we wanted that flag dragged into the mud and sullied beyond repair we also wanted it pristine, its white stripes, summer cloud white. Watching it wave in the breeze of a distance made us nearly choke with emotion. It lifted us up with its promise and broke our hearts with its denial."

Glenn Loury echoed this theme in TNR after the Million Man March. (See "One Man's March," November 6, 1995.) In the midst of the single most extravagant display of black nationalism in American history, the real story, Loury wrote, was the "young black guys ... scrambling up the steps and lounging between the columns of the National Gallery building ... sharing an excited expectancy with Japanese tourists and rural whites as we all waited in line to tour the White House ... this is their country, too. So, embarrassed that I needed to remind myself of this fact, I wept."

Some will tell you that the persistence in the black community of speculation over whether Thomas Jefferson sired black heirs is due to the fact that blacks are less likely than whites to idolize Jefferson and therefore have no trouble facing the truth of his paternity. But it really derives from an opposite impulse: the fact that, quietly and mostly secretly, blacks do revere Thomas Jefferson quite as much as whites, and they want to lay claim to the legacy of America as much as whites, too. No less a purveyor of proper bourgeois norms than *Ebony* magazine has heaped coverage on the issue of the Hemings-Jefferson family tree, all of whom are reportedly tony members of black society in Virginia. So, too, conventional wisdom holds that the switch from "black" to "African American" was occasioned by the need to assert black peoples' African identity, but, again secretly, I think it was to bind us, roundabout, to America. In that formulation, "African" is an adjective, "American" the supporting noun. It is the fear that America does not return this powerful, if often concealed, devotion that drives blacks to embrace theories of race-conspiracy.

John Edgar Wideman, commenting on his new novel canvassing four centuries of black history, says "one way of visualizing African-American peoples' relationship to America is a story of unrequited love ... a love that has never been fully answered or accepted." Black Americans have been engaged in a 300-year lover's quarrel with their country; the fear that we are losing that quarrel drives us toward the madness and fevered speculations that every scorned lover knows.

Given the choice between neglect and conspiracy, black people will always choose conspiracy. To be the victim of a constant, unchanging indifference is a far greater torment than to be the object of obsession, no matter how warped. The move from neglect to obsession is also a move from despair to rage, from a kind of loneliness to righteous indignation. But that emotional move purchases more than it bargains for.

And this is where the trouble starts. Anger, Aristotle argued a thousand years ago, is the only passion that must be justified by speech and reason. In the anger of the conspiracists, speech and reason take wild, unseemly, sometimes horrific, forms: outrageous theories about sun and ice people, blue-eyed evils, and big-headed scientists named Yakub; dreams of lives lived by numbers, and Egyptian miracles plundered by Greek pirates. It is a debilitating fantasy, because the anger we embrace has a chimera at its source. There are no ice people, no ravaging Greeks, no murderous Jews tainting our blood. But wrongs demand villains of equal stature—and only blue-eyed devils could conspire so wickedly against us.

This entire phenomenon rests on the acceptance of the racist assumption that blacks are separate from the whole of society, even as we are part of it—a limb that may be easily amputated. As long as black people continue to accept (and white racists and black racialists continue to perpetuate) the idea that we are ancillary members of this country, that we can be ghettoized or segregated out of existence, we will forever doubt our place here. There is no "America" that exists outside of, separate and above, its citizens. Black Americans, as Ralph Ellison insisted his entire life, carry inside themselves the country's "most stringent testing and the possibility of its greatest human freedom." If America is indeed obsessed with black people, it is because it is obsessed with itself. It is not so much that "We are Americans" but, rather, "We are America." •

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Why Johnny can't read, write or sit still.

DEFINING DISABILITY DOWN

By Ruth Shalit

In July of 1995, Jon Westling, the provost of Boston University, traveled to Australia to attend the Winter Conversazione on Culture and Society, a highbrow tête-à-tête for globetrotting pundits and savants. Westling, a protégé of former B.U. President John Silber, is an avowed conservative; and the subtitle of his speech, "The Culture Wars Go to School," seemed to portend the usual helping of red meat for the faithful. But instead of decrying deconstruction, or puncturing the pretensions of tenured radicals, Westling took aim at an unexpected target—the learning-disabled. He told the story of a shy yet assertive undergrad, "Somnolent Samantha," who had approached him one day after class and presented him with a letter from the Office of Disability Services. The letter explained that Samantha had a learning disability "in the area of auditory processing" and would require certain "accommodations," including time-and-a-half on quizzes, double time on the midterm, examinations administered in a room separate from all other students, copies of Westling's lecture notes and a reserved seat at the front of the class. Samantha also notified Westling that she might doze off in class, and that he should fill her in on any material she missed while snoozing.

The somnolent undergrad, Westling contended, was not alone. A new, learning-disabled generation was coming of age in America, a generation "trained to the trellis of dependency on their special status and the accommodations that are made to it." Citing a Department of Education estimate that up to 20 percent of Americans may be learning-disabled, Westling mused on the evolutionary ramifications of such a diagnosis. "There may be as many as 50 million Americans," he observed. "What happened? Did America suffer some silent genetic catastrophe?"

Westling's speech, it turns out, was a prelude to action. Shortly after returning from Melbourne, the aggrieved provost took a cleaver to B.U.'s bloated Office of Learning Disabilities Support Services, a half-million dollar fiefdom whose policies had, in the words of *The New York Times*, earned B.U. a "national reputation" as a haven of support for the learning-impaired. He stepped up standards for documentation, and he issued a blanket prohibition on waivers of the school's math and foreign language requirements, contending that there was no medical proof that students with learning disabilities are unable to learn these subjects. Henceforth, he declared, all requests for learning-disabled accommodations would be routed through his office. Westling then made a final announcement. In 1996, he said, he would become president of the university.

The learning-disability establishment was dumbfounded. "Here was someone coming in with no knowledge, taking the national model and destroying it," says Anne Schneider, the Park Avenue fund-raising doyenne who spearheaded the creation of B.U.'s program a decade ago, after her learning-disabled daughter Andrea nearly washed out of the university—due, Schneider says, to a lack of services. Schneider, whose personal fund-raising efforts have kept the office flush with cash, sees Westling's assault on her brainchild as analogous to "taking a seeing-eye dog away from a blind person." Janet Cahaley, mother of learning-disabled sophomore Michael, agrees: "These kids are the most vulnerable people on campus. Before, they were treated with humanity and decency and kindness. Now, they're hopeless and helpless."

Well, maybe not so helpless. Westling's putsch brought howls from disabled-rights advocates and from the media, which pounced upon the revelation that Somnolent Samantha was a fictitious composite—a "rhetorical trope," as Westling somewhat sheepishly admitted. And on July 15, 1996, ten students filed a lawsuit against Westling, claiming his unkind words and arduous new requirements amounted to illegal discrimination under the 1990 Americans With Disabilities Act. In their complaint, the students alleged that Westling's new standard for documentation—requiring applicants to submit an evaluation that is less than three years old and prepared by a physician or licensed psychologist—amounted to an "unduly burdensome prerequisite" that would screen out learning-disabled students from receiving their legally mandated accommodations. Also unlawful, the students contended, was Westling's prohibition on waivers of academic requirements. Finally, in their most enterprising claim, the students accused Westling of creating a "hostile learning environment" for the disabled, inflicting needless "emotional distress" and crushing their hopes of collective advancement. A ruling by Judge Patti B. Saris of Boston Federal District Court is expected by the end of August.

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Recent rulings by other judges suggest that the learning-disabled students may well prevail in court. But even then the questions begged by Somnolent Samantha will remain. Westling and B.U.'s new guard insist that they have no animus against those with "genuine" learning impairments; they simply want to weed out the impostors. Yet, in holding up a trendy diagnosis to the bright light of public scrutiny, B.U. officials have raised issues that go to the core of a debate that has grown as civil rights law has expanded to cover not merely the halt, the lame and the blind, but the dysfunctional, the debilitated and the drowsy.

Should "learning-disabled" even be a protected category under federal law? What, exactly, is a learning disability? Are the B.U. plaintiffs at the vanguard of a new generation of civil rights warriors, as their supporters contend? Or is their lawsuit the *reductio ad absurdum* of identity politics and tort madness—Harrison Bergeron meets Perry Mason in The Case of the Litigious Lollygaggers?

The recent announcement by the Equal Employment Opportunity Commission that the Americans With Disabilities Act covers not only physically but mentally handicapped individuals has occasioned a flurry of hand-wringing editorials. Worried employers have painted a scary scenario of a law that will coddle murderous lunatics, endanger the welfare of unsuspecting customers and transform America's factories and foundries into dystopias of dementia. In some ways, however, it is the entrenchment of learning disability—a comparatively undersung, and seemingly more benign, "hidden impairment"—that poses the more subversive challenge to basic notions of fair play, professionalism and equal protection under the law.

No one would deny that an individual who is unfortunate enough to be afflicted with one of the classically defined mental disorders—schizophrenia, paranoia, manic depression, and so on—suffers from a clearly defined and clearly recognizable infirmity, one that is likely to impair significantly her educational achievements and career prospects. (Whether employers should be legally compelled to overlook these mental disabilities is another matter.) The diagnosis of a learning disability, in contrast, is a far more subjective matter. For many of the more recently discovered learning maladies—math disability, foreign-language disability, "dysrationalia"—there are no standard tests. To be sure, real and debilitating learning disabilities do exist. But there are no good scientific grounds to believe that some of the more exotic diagnoses have any basis in reality. Yet, thanks to the interlocking protections of three powerful federal disability laws, refusal to accommodate even the most dubious claims of learning impairment is now treated by the courts and by the federal government as the persecution of a protected minority class.

Modern disability law was inspired by the most humane of motives, to protect the disabled from prejudices that deprived them of equal opportunities in the workplace and in the classroom. From the outset, however, this grand aspiration was framed in the fuzziest of terms. The statutory framework for modern disability law was established in the Rehabilitation Act of 1973, which mandated assistance measures for the disabled in federal facilities. Here is how Section 504 of the act defined a learning disability: "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written ... [which] may manifest itself in imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations." This remarkably broad definition is echoed in all subsequent disability laws, notably the 1975 Individuals With Disabilities Education Act, which mandated an array of services for disabled public school students, and the 1990 Americans With Disabilities Act, which extended the protections of the Rehabilitation Act into the private sector. All three laws are equally vague in their description of how people with disabilities must be treated. As the ADA puts it, in the case of any individual possessing a "disability" that results in "substantial impairment" of a "major life activity," schools and employers cannot "discriminate" and must provide "reasonable accommodation." The meaning of these legal appelations, as interpreted by the courts and the regulatory agencies, would turn out to be remarkably expansive.

There were *some* limits written into the disability laws. For instance, only "otherwise qualified" individuals are entitled to protection; accommodations are only mandated if they do not result in "undue hardship." But recently a number of rulings by federal courts and government enforcement agencies have revealed how flimsy these limits are.

Although compliance with federal disability law is not supposed to come at the expense of education or job performance standards, the Department of Education's Office of Civil Rights has delivered stinging rebukes to schools that refuse to exempt learning-disabled students from academic requirements. Last May, a student afflicted with dyscalculia—math disability—filed a complaint with the San Francisco Office for Civil Rights after her college declined to waive the math course required of all business majors in paralegal studies. Despite the college's earnest attempts to accommodate her impairment—the student would receive extensive tutoring and extra time on tests—OCR issued a finding of discrimination anyway, writing on May 30 that "[a]bsolute rules against any particular form of academic adjustment or accommodation are disfavored by the law." When the school asked if they could require learning-disabled students to at least *try* to pass a required course, OCR said no way, arguing that "it is discriminatory to require the student to consume his or her time and jeopardize his or her grade point average taking a particular mathematics course when the person qualified to administer and/or interpret the psychometric data has determined that the student, due to his or her disability, is highly unlikely to pass the course with any of the accommodations the institution can identify and/or deliver." OCR added that this rule should apply even to borderline

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dyscalculics, that "substantial group of students for whom interpretation of psychometric measures provide no clear prediction of success in a particular mathematics course."

This is the new frontier, the learning disability as an opportunistic tautology. The fact that one displays a marked lack of aptitude for a particular intellectual discipline or profession establishes one's legal right to ensure at least a degree of success in that discipline or profession. That is not a fanciful conceit, but an adjudicated reality. Several judges have recently ventured the enterprising claim that any person who is not performing up to his or her abilities in a chosen endeavor suffers from a learning disability within the meaning of the ADA.

Consider the lawsuit filed in 1993 by an aspiring attorney named Marilyn J. Bartlett. Bartlett graduated in 1991 from Vermont Law School, where she received generous accommodations of her reading disability and disability in "phonological processing." Nonetheless, Bartlett did not do well, graduating with a GPA of 2.32 and a class standing of 143 out of 153 students. She then went to work as a professor of education at Dowling College, where, according to court documents, she "receives accommodations at work for her reading problems in the form of a full-time work-study student who assists her in reading and writing tasks."

When it came time to take the bar exam, Bartlett petitioned the New York Board of Law Examiners for special arrangements. She wanted unlimited time for the test, access to food and drink, a private room and the use of an amanuensis to record her answers. Acting on the advice of its own expert, who reported that Bartlett's test data did not support a diagnosis of a reading disorder, the board refused Bartlett's demands. Three times, Bartlett attempted the exam without accommodation. After her third failure, she sued the board.

On July 3, 1997, Judge Sonia Sotomayor ruled in Bartlett's favor. Ordering the board to provide the accommodations Bartlett had requested, she also awarded Bartlett $12,500 in compensatory damages. Judge Sotomayor did not challenge the board's contention that Bartlett was neither impaired nor disabled, at least not in the traditional sense. In an enterprising new twist, however, she declared that Bartlett's skills ought not to be compared to those of an "average person in the general population" but, rather, to an "average person with comparable training, skills and abilities"—i.e., to her fellow cohort of aspiring lawyers. An "essential question" in the case, said the judge, was whether the plaintiff would "have a substantial impairment in performing [the] job" of a practicing lawyer. The answer to this question was "yes," the judge found. And this answer—the fact that Bartlett would have a very hard time meeting the job requirements of a practicing lawyer—was, in the judge's opinion, precisely the reason why Bartlett had a protected right to become a practicing lawyer. Thus, Judge Sotomayor ruled that Bartlett's "inability to be accommodated on the bar exam—and her accompanying impediment to becoming bar-admitted—exclude her from a 'class of jobs' under the ADA," and could not be permitted.

To drive home her point, Judge Sotomayor triumphantly cited Bartlett's performance during a courtroom demonstration of her reading skills. "Plaintiff read haltingly and laboriously, whispering and sounding out some words more than once under her breath before she spoke them aloud," the judge recalled. "She made one word identification error, reading the word 'indicted' as 'indicated.' "

It could, of course, be argued that the ability to read is an essential function of lawyering; that any law school graduate who cannot distinguish "indicated" from "indicted," who cannot perform cognitive tasks under time constraints, is incapable of performing the functions of a practicing lawyer and therefore, perhaps, should not be a practicing lawyer. But one would be arguing those things in the teeth of the law. Thanks to the Americans With Disabilities Act, the Individuals With Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, Bartlett and her fellows among the learning-disabled are now eligible for a lifelong buffet of perks, special breaks and procedural protections, a web of entitlement that extends from cradle to grave.

Jon Westling is a crusty chainsmoker with owlish glasses and a stuffy, orotund manner, an easy figure to mock. But, as it turns out, his portrait of Somnolent Samantha was hardly a wild flight of fancy. Before beginning his formal audit of LDSS's practices, Westling asked its director, Loring Brinckerhoff, whether the office had ever turned down a single request for special dispensation on the grounds that the student hadn't presented enough evidence. When Brinckerhoff answered no, Westling asked to see folders and accommodation letters for the twenty-eight students who had most recently requested and received adjustments to their academic program. Of these twenty-eight, Westling pronounced no fewer than twenty-seven to be insufficiently documented. And, indeed, copies of the students' files, exhumed during the discovery phase of the lawsuit and now available as courthouse exhibits, seem to provide some support for this harsh assessment.

For starters, some of the diagnosticians themselves appeared somewhat impaired. One evaluator wrote that "taking notes and underlying [sic] while reading" would help a student "maintain her attention." Another student, a female, was erroneously referred to as "Joe" by the evaluator who pronounced her to be learning-disabled. Even more troubling, though, was LDSS's seemingly reflexive acquiescence to students' wish lists. Michael Cahaley, one of the plaintiffs in the lawsuit, was, according to Westling's affidavit, described by his doctor as having "minimal" deficits: "this very intelligent youngster should do well in high school and college." Nonetheless, Cahaley had requested—and was granted—double time on all of his examinations. In

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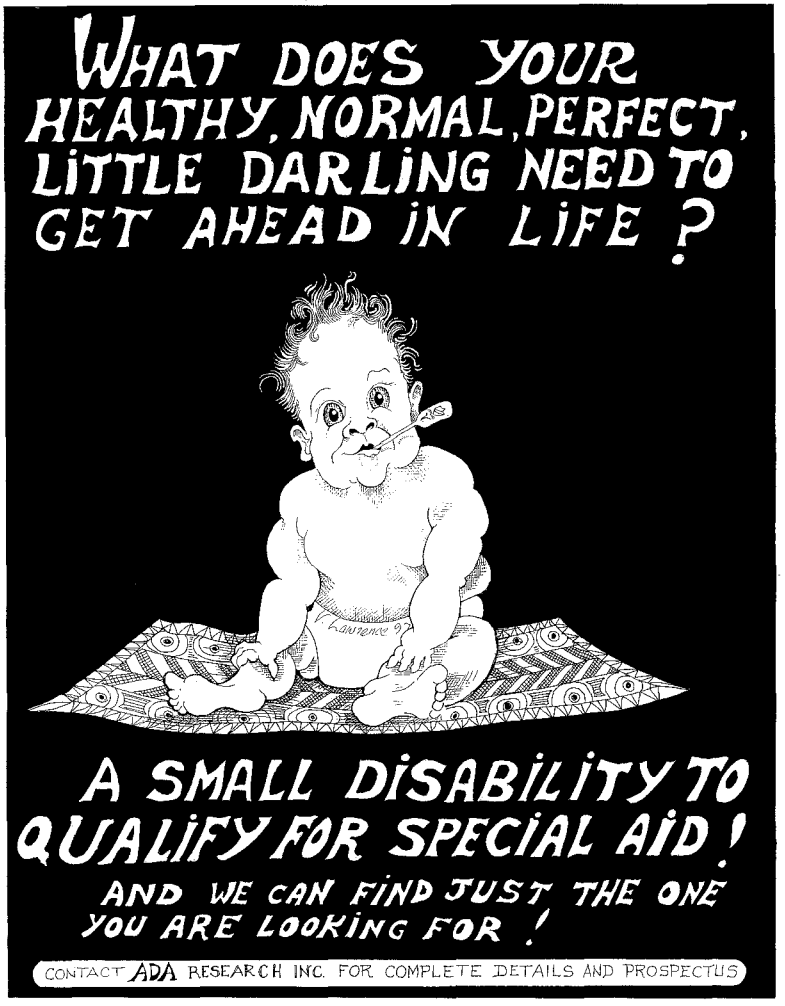
another case, the clinical psychologist who examined a student reported that his "skill deficits" were "not severe enough to be a learning disability"; but a learning specialist misread the report and recommended accommodation anyway, on the grounds that "the student was evaluated and found to have a learning disability."

Sometimes the evaluator's recommendations seemed just bizarre. In one case, a student's psychologist opined that a student who "appears to have subtle verbal processing difficulties" should not be "asked to recall very specific data or information." As Westling dryly observed in his affidavit, requests for "very specific data or information" constituted "an essential element of every course and academic program offered by Boston University."

At the trial, the student plaintiffs came off as something other than inspiring champions for disabled rights. Elizabeth Guckenberger, a third-year law student who was diagnosed as having "a visual and oral processing disability" while a freshman at Carleton College, admitted she had received every accommodation she had ever requested under the Westling regime, including extra time on exams, a reduced course load and priority registration in the law school section of her choice. Benjamin Freedman, a senior with dysgraphia ("really, really bad handwriting," he says), also got everything he wanted, including double time on exams, the option to be tested orally and the services of a professional note-taker.


WHAT DOES YOUR HEALTHY, NORMAL, PERFECT, LITTLE DARLING NEED TO GET AHEAD IN LIFE ?
A SMALL DISABILITY TO QUALIFY FOR SPECIAL AID !
AND WE CAN FIND JUST THE ONE YOU ARE LOOKING FOR !
CONTACT ADA RESEARCH INC. FOR COMPLETE DETAILS AND PROSPECTUS

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Plaintiff Jordan Nodelman, who claimed he suffered from Attention Deficit Disorder (ADD), also had received every accommodation he ever requested, including the right to take all tests in a distraction-free environment with extra time. At trial, he admitted that his attention deficit waxed and waned. When "something's very important to me," he explained at trial, he "forc[ed] [him]self to concentrate." Nodelman had a 3.6 GPA, had made the Dean's List and had taken his tests untimed in every class except Zen Guitar.

Perhaps the least compelling plaintiff was sophomore Scott Greeley, who testified that he suffers from an "audio-visual learning processing deficit." At B.U., Greeley had been provided with a note-taker, time-and-a-half on tests and an open-ended right to have any test question "clarified" by the instructor. But the perks didn't help much—as Greeley explained at trial, after the accommodations were provided his GPA improved to a less-than-stellar 1.9. Over the course of the trial, B.U. attorneys established that this shoddy showing was perhaps not wholly attributable to societal persecution of the disabled. Queried about his spotty attendance record in a science course for which he received a "D" grade, Greeley explained that "part of my disability is that I need a structured schedule." "Would you say you missed over half the classes?" persisted the judge. "Probably around that, yes," replied the undergrad.

It would be comforting to think that B.U.'s "disabled" plaintiffs represent an exception to the norm, but this does not seem to be the case. Over the years, proposed reforms to disability law have been effectively vanquished by televised testimony from sobbing children in wheelchairs. Increasingly, however, individuals with grave physical handicaps comprise only a small portion of the people who claim special privilege under the federal disability laws. As Manhattan Institute fellow Walter Olson points out in *The Excuse Factory*, complaints by the traditionally disabled—the deaf, blind and paraplegic—have accounted for only a tiny share of ADA lawsuits. According to 1996 EEOC figures, only 8 percent of employment complaints have come from wheelchair users and a mere 6 percent from the deaf or blind, bringing the total for these traditional disabilities to a skimpy 14 percent.

The diagnosis of learning disability, by contrast, is experiencing something of a boom. In the space of only a few years, the number of children diagnosed with Attention Deficit Disorder, reading disability and math disability has swollen by hundreds of thousands. Of the 5.3 million handicapped children currently on

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Individual Education Programs (specially tailored, often costly regimens of technology, therapy and one-on-one tutoring that public schools are mandated to provide to every child with a disability), the U.S. Department of Education estimates that just over half (51 percent) are learning-disabled. According to the authors of the book *Promoting Postsecondary Education for Students with Learning Disabilities*, up to 300,000 students currently enrolled in college have proclaimed that they are learning-disabled and need special accommodations.

The National Collegiate Athletic Association, meanwhile, is under intense legal pressure from the Justice Department to relax the initial eligibility standards that require student athletes to get a cumulative score of 700 on their SATs and to maintain at least a 2.0 grade point average in core courses. These standards are meant to offer a slight safeguard against the tendency of universities to enroll and graduate young men and women whose ability to pass a ball exceeds their ability to pass their courses. Not so fast, said Justice Department lawyer Christopher J. Kuczynski. In a March 1996 letter to the NCAA, Kuczynski warned that the association's academic standards may "have the affect [sic] of excluding students with disabilities from participation in college athletics." NCAA spokesman Kevin Lennon says the association is in the process of revising its policy "to accommodate students with learning disabilities."

The most common estimate cited by advocacy groups and frequently repeated in government documents is that between 15 and 20 percent of the general population have learning disabilities. Any hypochondriac can test himself: in a recent booklet, the American Council on Education supplies a checklist of symptoms for adults who suspect they may be learning-disabled. Some of us will be disturbed to recognize in the checklist possible symptoms of our own: according to the council, telltale signs of adult learning-disablement include "a short attention span," impulsivity, "difficulty telling or understanding jokes," "difficulty following a schedule, being on time, or meeting deadlines" and "trouble reading maps."

As the ranks of the learning-disabled swell, so too do the number of boutique diagnoses. Trouble with numbers could signal dyscalculia, a crippling ailment that prevents one from learning math. Lousy grammar may stem from the aforementioned dysgraphia, a disorder of written expression. Dozing in class is evidence of latent ADD, perhaps even ADHD (Attention Deficit/Hyperactivity Disorder). Many tykes also exhibit the telltale symptoms of ODD—Oppositional Defiant Disorder. According to the American Psychiatric Association, the defining feature of ODD is "a recurrent pattern of negativistic, defiant, disobedient, and hostile behavior ... characterized by the frequent occurrence of at least four of the following behaviors: losing temper, arguing with adults, actively defying or refusing to comply with the requests or rules of adults, deliberately doing things that will annoy other people, blaming others for his or her own mistakes or misbehavior." Rates of up to 16 percent have been reported.

A tongue-tied toddler could have dysphasia, otherwise known as a "difficulty using spoken language to communicate." Boorish behavior may be a sign of dyssemia, defined as a "difficulty with signals [and] social cues." (According to the Interagency Commission on Learning Disabilities, social skills are a domain in which a learning disability can occur.) An even more sinister malady is dysrationalia, defined in an October 1993 issue of *The Journal of Learning Disabilities* as "a level of rationality, as demonstrated in thinking and behavior, that is significantly below the level of the individual's intellectual capacity." A checklist of childhood precursors include "premature closure, belief perseverance ... resistance to new ideas, dogmatism about beliefs, and lack of reflectiveness."

These neo-disabilities are likely to strike the nonspecialist as an exercise in pathologizing childhood behavior, and the nonspecialist would be on to something. Increasingly, scholars and clinicians in the field of learning disability are speaking out against the dangers of promiscuous diagnosis of disablement. "In the space of twenty years, American psychiatry has gone from blaming Johnny's mother to blaming Johnny's brain," says Dr. Lawrence Diller, an assistant clinical professor of behavioral pediatrics at the University of California at San Francisco. The problem, says Dr. Diller, is that in a variant of the Lake Woebegone effect, "Bs and Cs have become unacceptable to the middle classes. Average is a pejorative." And yet, as he points out, "*someone* has got to be average."

Some scholars have even begun to question the notion that there is such a thing as a learning disability. In a recently published book, *Off Track*, one of its authors, Robert Sternberg, a Yale professor of psychology and education, presents a powerful case for why the concept of learning disability ought to be abandoned. Drawing on the latest research into the physiology of the human brain, Sternberg argues that there is no evidence to support the view that children who are labeled as learning-disabled have an immutable neurological disability in learning. From a medical standpoint, he writes, there is no scientific proof that children labeled as learning-disabled actually have a discernible biological ailment "in terms of the underlying cognitive abilities related to reading." Says Sternberg: "I'm not denying that there are dramatic disparities in the speed with which people learn.... But, most of the time, what you're talking about here is a garden-variety poor reader. You're talking about someone who happens to be not very good in math."

To be sure, there is no question that children who are intellectually normal, and sometimes even unusually bright, can have genuine, serious difficulties in learning how to read or to do math; and that educators should do everything in their power to put these students back on track developmentally. But as their clinics swarm with

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hordes of pushy parents and catatonic collegians, all hankering for a diagnosis of intractable infirmity, a growing number of diagnosticians are crying foul. "The way the diagnoses [of Attention Deficit Disorder and learning disabilities] are being used right now, a backlash against the conditions is inevitable," says Diller. "We've created a paradox where the more problems you have, the better off you may be. That's a prescription for societal gridlock."

It's no puzzle, of course, why the learning-disability movement insists that learning disability is an immutable, brain-based disorder—a malady that is "fundamentally neurological in origin," according to the National Center for Learning Disabilities. For it is this understanding of learning disability that justifies its inclusion as a protected category under the ADA. If learning disability is an innate neurological defect that "artificially" lowers test performance, then it follows that learning-disabled individuals should be able to take tests under special conditions that will neutralize the effects of this handicap. In *Help Yourself: Advice for College-Bound Students With Learning Disabilities,* author Erica-lee Lewis stresses that asking for an untimed administration of your SATs "does NOT give you an unfair advantage; it just reduces the unfair disadvantage by providing you with equal access and opportunity. You deserve that and the law protects you against anything short of that fairness!"

There's just one tiny problem: the two major studies on the subject say that precisely the opposite is true. As Dr. Warren W. Willingham, a psychometrician with the Educational Testing Service, points out in his widely respected textbook *Testing Handicapped Students,* institutions have long relied on standardized tests because such tests, for all their faults, tend to be highly reliable in their estimation of how well a particular applicant will actually perform in college or on the job. The case of learning-disabled students, in contrast, "presents a very different picture," writes Willingham. When students diagnosed with learning disabilities were allowed to take the SAT on an untimed or extended-time basis, the "college grades of learning-disabled students were substantially overpredicted," suggesting that "providing longer amounts of time may raise scores beyond the level appropriate to compensate for the disability." The other study—by Marjorie Ragosta, one of ETS's own researchers—confirms Willingham's pessimistic diagnosis.

Both researchers raise a troubling question: whether, as Willingham puts it, "the nonstandard version of the SAT is seriously biased *in favor* of [learning-disabled] students." The concern is not just theoretical. There is reason to suspect that fast-track students, and their parents, have figured out that a little learning disability can be an advantageous thing—can make the difference, in a hypercompetitive setting, between getting into (and getting successfully out of) the right school. The privilege of taking the SAT on an untimed basis raises students' scores by an average of 100 points, according to the College Board. In the last couple of years, testing agencies have been bombarded with requests from students who proclaim that they are learning-disabled and will therefore need additional time. According to Kevin Gonzales, a spokesman for the Educational Testing Service, 18,000 learning-disabled examinees received "special administration" for the SAT in 1991-92. By 1996-97, that number had more than doubled, to 40,000. Requests for accommodation on Advanced Placement exams, meanwhile, have quadrupled—in 1996, 2,244 learning-disabled eggheads took their A.P. tests untimed. To reap the benefits of this particularly useful perk, ETS requires only a letter of verification from a school special education director or a state-licensed psychologist or psychiatrist.

Certification and licensure exams—long, carefully standardized examinations that function as gatekeepers into the professions—are also under assault. In 1995, the National Board of Medical Examiners administered over 450 untimed Medical College Admissions Tests—a fivefold increase from 1990. Lawyers, too, are requesting special dispensation. This year, in New York alone, more than 400 aspiring attorneys have asked to take the bar exam untimed. "The requests have increased tremendously," says Nancy Carpenter, who heads up the New York Board of Legal Examiners. "ADD is becoming much more common. We have a lot of dysgraphia. Some dyscalculia.... Most applicants just say, 'unspecified learning disability.' They are all over the lot."

ETS officials do not like to talk about the Willingham and Ragosta studies. Indeed, far from planning to toughen up its accommodations policy, the agency seems poised to eliminate its only check on spurious claims—the marking, or "flagging" of a score to indicate that an applicant took the test under nonstandard conditions. For years, the learning-disability industry has railed against the asterisk, arguing that it violates a student's right to keep his or her disability a secret. Now ETS seems prepared to agree. "We are taking a good, hard look at the whole issue of flagging," says ETS's newly appointed director of disability services, Loring Brinckerhoff. "I'm not prepared to say it's going to go away overnight.... My gut feeling is that it may well be a Section 504 violation." Yes, that's the same Loring Brinckerhoff who recently resigned under pressure by Jon Westling from his B.U. sinecure. "Isn't it ironic," muses Brinckerhoff. "I'm told by Boston University that I'm unqualified to do my job. Yet here I am—at the biggest testing agency in the world—determining accommodations for hundreds of thousands of people with disabilities."

Of course, a legally recognized disability means more than just extra time on tests—or even extra privileges in the classroom. Under the Individuals With Disabilities Education Act, a diagnosis of L.D. also qualifies a child for an Individual Education Program—a handcrafted educational program, replete with techno-goodies and other kinds of

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specialized attention. The law, which states that "all children with disabilities" ought to have available to them "a free and appropriate public education," encourages parents to be bound not by what the school district can offer, but by what they think their child needs. It specifies that, in the event that the parents don't care for their child's IEP, the local school district must convene a "an impartial due process hearing"—a trial-like proceeding in which both parties have the right to be represented by a lawyer, the right to subpoena, confront and cross-examine witnesses, and the right to present evidence. If a school district loses the due process hearing, it must pay the parents' attorneys' fees. The result, says Raymond Bryant, director of special education for Maryland's Montgomery County public schools, has left school districts vulnerable to parental tactics bordering on extortion. "It used to be that kids didn't try hard enough, or didn't work hard enough," says Bryant. "Now, it's ADD or L.D.... They want their child to read half the material. They want him to do half the homework. They don't want him to take the same tests. But guess what? They want him to get the same grades!"

In prosperous, sun-dappled school districts around the country, exotic new learning disabilities are popping up, each requiring its own costly cure. In Orange County, where "executive function disorder" (difficulty initiating, organizing and planning behavior) reigns, parents have begun demanding that schools foot the bill for horseback riding lessons. "This is now supposed to be the way to help kids with EFD," says Peter Hartman, superintendent of the Saddleback Unified School District. "There's some stable in the area that they all go to." In Holliston, Massachusetts, parents of children with Attention Deficit/Hyperactivity Disorder hanker for a trendy new treatment called "educational kinesthesiology," a sort of kiddie Pilates for angst-ridden tots. "Unfortunately, the treatment can only be done by a, quote, licensed educational kinesthesiologist," sighs Margaret Reed, special-ed administrator for Holliston Public Schools. "And it seems there's only one in the district. And she charges $50 an hour."

Sometimes, it seems, the problem is less inattentive children than overattentive parents, many of whom are unwilling to believe their progeny is less than perfect. Consider the case of Michael F., whose plight was thrashed out at length at a 1996 hearing after his parents expressed discontent with his Individual Education Program. Michael, then a ninth grader, was thriving at his high school—earning As in honors courses and demonstrating "overall cognitive functioning in the very superior range (99th percentile)." He had also written a book, played in the school band and, according to the hearing officer, "successfully completed bar mitzvah training."

At the hearing, it emerged that Michael did all of this while fighting off the ravages of "attention deficit disorder, language-based specific learning disabilities, neuromotor dysfunction, and tactile sensitivity." These numerous handicaps had made Michael eligible for a generous dose of special-education services. Under the terms specified in his IEP, Michael received three and three-eighths hours a week of special tutoring; extra time on homework assignments and tests; "allowance of standing up, stretching and/or walking around in class"; "permission to chew gum or hard candy to help him concentrate and focus"; "seat assignments in close proximity to the teacher"; and "access to a tape recorder, transcripts of lectures, outlines and notes and/or a laptop computer if needed." Now Mr. and Mrs. F. wanted even more. Michael's low grade on his Honors Geometry midterm, they argued at the hearing, revealed evidence of a new, previously unsuspected disability "with the concepts of quadratic equations and the Pythagorean theorem." They blamed the school for numerous "procedural violation[s]," including "failure to pursue a math reevaluation of Michael" after he received a 65 on his midterm. Now, they said, their son would experience "substantial regression" over the summer, unless his high school saw fit to furnish him with "extended summer programming in the form of math tutoring."

This, the hearing officer would not do. True, she wrote, Michael's poor showing on his geometry midterm might well be "related to his learning disability and/or ADD." On the other hand, she boldly ventured, it could also be that "math remains a subject where Michael will not receive As in an Honors track."

Ensconced in his pleasantly stuffy office, an Anglophile's fantasy of elephant ear plants and bas-relief cornucopias in carved wood, Jon Westling awaits the decision of Judge Patti B. Saris. He is resigned to the knowledge that, whatever is decided, the learning-disabled activists and their supporters will regard him as a villain. "This is a cause where the support and commitment verges almost on fanaticism," he says, puffing on one Marlboro Light, then another. "And whenever you have less than ideal science coupled with something close to fanaticism, you can move beyond appropriate use into areas of abuse."

The students say that, whatever the outcome, the litigation has salved their faltering self-esteem. Ben Freedman, a 21-year-old senior who has maintained a 3.6 GPA despite a reading and writing disability and dysgraphia, likens his crusade to the civil rights movement of the 1960s. "I don't want to compare myself to Dr. King, but there are great similarities," he says.

Anne Schneider, too, says she's achieved closure on the whole regrettable incident. To the true believers, it seems, there's an explanation for everything; and it's usually the same explanation. "I've been thinking about Jon Westling," she tells me one evening. "For all his bragging about his Rhodes scholarship, he didn't do the final paper. He's not a finisher." Schneider lets out a reflective sigh. "To tell the truth," she says, "I've always thought: learning disability." •

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THE HARD QUESTIONS

Double talk

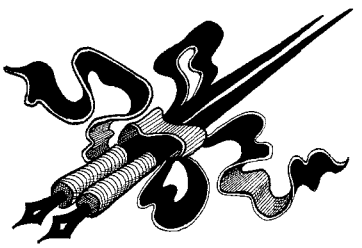
It is no great secret that, thanks to the rapid growth of America's Latino and Asian populations, whites of European descent stand to become a minority in this country sometime in the next century. So when President Clinton invoked this demographic prediction as partial justification for his national conversation on race, few observers took notice. After all, Clinton was hardly the first to suggest that the nation's race problem was mostly a problem of Americans—primarily white Americans—coming to terms with the nation's growing diversity.

But is tolerating greater diversity, in general, really the issue? Given that the vast majority of Americans descend from people who were once outsiders—because of their language, religion or country of origin—what is so uniquely problematic about the fact that the nation's racial makeup is increasingly varied? This nation of immigrants has faced the problem of absorbing successive waves of foreign newcomers before. And, despite difficulties along the way, we have generally succeeded in meeting this challenge. On the other hand, we have been less successful in our efforts to incorporate the rural, Southern, low-caste peasantry that originated with the importation of enslaved Africans. For sure, we have made stunning progress. Over the last half-century, as a consequence of legal changes and shifting public attitudes, blacks have made dramatic advances in the areas of voting rights, access to jobs, educational attainment and general social prestige. Yet, as a cursory inspection of the nation's welfare rolls, special education classes and prison populations will reveal, there is a great deal of unfinished business here.

The tendency to conflate these two distinct issues—the increase in American diversity and the plight of black Americans—is mischievous, and it raises troubling questions about the direction of the president's race commission. It is the pariah status of the Negro in America—not really an alien population, more an indigenous yet profoundly alienated one—that has given the phenomenon of race its peculiar power in our political and cultural imaginations.

The very definition of the majority against which these racial minorities are counterposed is, historically speaking, a product of the nation's confrontation with the African "other" in its midst. The European ethnics—the Germans, Irish, Jews, Poles and Slavs whose descendants make up the so-called "non-Hispanic white" majority—had merely to immigrate to American shores in order to become "white." Their socially constructed "whiteness" has its origins in the fact that their immigrant ancestors, however foreign, were not black.

In some ways, the Asian and Latin American immigrants of recent decades are even less "foreign" to our contemporary society than were the Eastern and Southern European newcomers who arrived early in this century. We have experienced no historically unprecedented difficulties in assimilating the largely non-European immigrants of the last quarter-century into American society. They are, on the whole, doing what previous waves of new Americans have done—they are finding their way, regardless of the continent from which they came.



Certainly their presence in growing numbers does not create a "burden of race" requiring presidential leadership to be dispelled. The clearest proof of this point is to be found in the statistics on intermarriage. The 1990 Census revealed that, among native-born, married Americans 25-34 years old, over two-fifths of Hispanics and one-half of Asians had spouses who belonged to a different ethnic or racial group. By contrast, fewer than 10 percent of married black men, and about 5 percent of married black women, have non-black spouses.

The race problem that deserves national attention concerns the bottom third of the black population, which is locked in ghettos at the center of our great cities and remains shut out from access to the engines of social mobility in our society. Consider that 42 percent of black children lived in poverty in 1995, a rate that has remained essentially unchanged for a quarter-century. And, while patterns of unwed childbearing among blacks are a principal cause of this depressing reality, the fact remains that a great many black youngsters never really have a chance to properly develop their God-given talents.

It is the internal migration of this indigenous peasantry—out of Southern agriculture and into the urban industrial centers of the Northeast and Midwest—that has presented us with an historically unprecedented problem of assimilation. It is this problem that should command the attention and the energies of the president's ill-defined dialogue. Unless we candidly acknowledge that a pathological and debilitating subculture exists within our inner cities—a culture that robs its adherents of any chance to break away from their marginal status—we will be wasting our time.

Let us suppose that the president wants to provide genuinely historic leadership on this issue—that he is prepared to put aside his cliché-ridden "diversity" litany and to abandon his alarmist rhetoric about affirmative action. What, then, might the dialogue be about? For my part, I would urge Bill Clinton to consider the example of President Lyndon Johnson, who, in 1965, addressed the subject of race in a manner that, even to this day, remains a model of moral clarity and vision. In the most famous passage of that speech, Johnson launched the modern era of affirmative action by declaring: "You do not wipe away the scars of centuries by saying: Now you are free to go where you want, do as you desire, and choose the leaders you please. You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'You are free to compete with all the others,' and still justly believe that you have been completely fair."

While the era of racial preferences may be nearing its end, what is refreshing, and still relevant, about Johnson's speech is its candid recognition of a diminished capacity among some blacks to compete effectively with others in society. This historically based, culturally transmitted, diminution characterizes too large a part of the black population, even to this day. One would not speak as Johnson did—in 1965 or today—about immigrants, or about white women, or even about the sons and daughters of the burgeoning black middle class. But there are now those among us for whom an argument of this kind remains compelling and on whose behalf it deserves, even today, to be made.

Perhaps President Clinton, master of the hard sell, could put this question to the "soccer moms" who re-elected him last fall: Do we Americans not bear some collective responsibility, as a society, for the debilitating, even degenerate, cultural milieus that exist among some of the descendants of slaves who live in our midst? This would be a dialogue worth pursuing.

GLENN C. LOURY

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BOOKS & The Arts

Stanley Kauffmann on Films

Regarding Realism

And you think Bill Clinton has problems. President James Marshall (Harrison Ford, that is) hangs, at one point, from the end of an open ramp at the back of Air Force One as it speeds along on high. He has to pilot the plane when six MIGs attack. Hanging at the end of a cable he has to transfer in midair from his plane to another. Plus, through all this, he has to stick to his principles.

Air Force One (Columbia) is a pretty good thriller for the first forty minutes or so. Except for the bumptious music by Jerry Goldsmith, which slams us from the start with heavy predictions of drama, the matter-of-manifest-fact air with which Wolfgang Petersen directs and the slick, clicking-into-place of Andrew W. Marlowe's screenplay make us hope for excitement. But that hope dwindles as movie-making takes over.

Harrison Ford is as amiable as ever and stretches his acting abilities to the limit—which is to say, we can manage to believe him when he's supposed to be angry or proud or resolved. Gary Oldman is snaky as the leader of a Communist conspiracy. Glenn Close fills the requisite space as the vice president back in the White House during all the aerial crises. Some familiar faces flit past amid the dozens of one- or two-line parts above and on earth.

A peek at the plot. The U.S. and Russia have collaborated in the kidnapping and imprisonment of the Communist dictator of Kazakhstan. The American president, with wife and 12-year-old daughter, is in Moscow to celebrate the event. At the banquet the president makes a speech in which he says that the U.S. will never negotiate with terrorists. On the way home, Air Force One, carrying the president and his family, is taken over by terrorists who want to force the release of the dictator.

The jaws of the plot vise are clamped into place briskly. What then follows is a condition previously discussed here: fantasy licensed by realism. Up to this moment, every detail of airplane operation, of all sorts of protocol and duty, has been exact. Then the film seems to say, "Well, we've established our veristic base. Now let's take *off*." It quickly becomes a commonplace thriller, unobligated to common sense. But, because of that initial realism, audiences accept the fakery of what follows. Because of the opening minutiae, the audience accepts a president who, in physical prowess and stamina, makes Arnold Schwarzenegger look limp.

The presidency itself has long been an available ingredient of film-making. In earlier days the film president was either a historical figure (Walter Huston as Lincoln) or a dignified fictional chap (Walter Huston in *Gabriel Over the White House*). Nowadays actual presidents get morphed into films (Johnson and Kennedy and Nixon in *Forrest Gump*, Clinton in *Contact*), or fictional ones are utilized in every which way. In Clint Eastwood's latest, *Absolute Power*, a president murders his lover in a secret tryst.

Maybe the president's oath of office should be altered. When the Chief Justice administers the oath to the next incumbent, maybe he or she, after swearing to preserve, protect and defend the Constitution, should also swear to defend American film-makers' right to use the presidency any way they like.

For the English writer-director Mike Leigh, realism has a different meaning and a different danger. Leigh is notable as a director who works intensely with his actors, sometimes for months before shooting, to fuse actor and role and encourage improvisation. His whole drive is to do everything with more untrammeled verity than is common in films. This approach can result in such exceptional films as *High Hopes* and *Secrets and Lies*. It can also result in such films as *Naked* and his latest, **Career Girls** (October), in which the ultra-realism is used for not much more purpose than to be ultra-realistic.

Career Girls braids two time lines. It begins with Annie, in her mid-20s, on a train to London where she meets Hannah, about her own age. In the other line we meet Annie and Hannah when they were late teenagers living together, with another girl, in London. The re-meeting of the two, for the first time in six years, plays against what they were like when they first knew each other.

The texture of each strand seems, as far as a male American can judge, exact. Earlier, Hannah was cocky and snappy, aggressive because she was just a bit frightened. The provincial Annie, just arrived—with a bad case of dermatitis—is numbed a bit with excitement and timidity. Nowadays the older Hannah has

FILMS WORTH SEEING

Guantanamera. *Tomás Gutiérrez Alea's last work, a gentle spoof of communist bureaucracy, as a family transports a coffin across Cuba to the desired cemetery. Flavorful and funny. (Reviewed 7/28/97)* **Hamsun.** *Jan Troell's thoughtful chronicle of the latter years of the great writer's life—his Nazi years. The screenplay leaves some questions, but Max von Sydow towers in the title role. (5/19/97)* **La Promesse.** *A gem. A 15-year-old boy discovers some truths through the lives of African workers in a Belgian industrial city. Excellent in every way. (5/26/97)* **Ulee's Gold.** *Victor Nunez again explores life in northern Florida. Peter Fonda is quietly strong as a beekeeper beset with criminal harrying. Fonda and the environment are outstanding. (7/7/97)* **—SK**

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transmuted her hip-hop aggression into a fair simulacrum of urban sophistication. Annie, clear-skinned and controlled, brings to the reunion a touch more sentiment than it deserves. Leigh attempts to "serious" things up in a manner he has used before—with a mentally impaired character. A young abnormal man, who is in both time strands, seems to be present merely as a reproof to the two girls/women for not having more empathy, for being so self-centered. The presence of this man seems more facile, on Leigh's part, than seriously disturbing.

Before very long, and while admiring the unvarnished texture of the film, we begin to wonder why we are looking at and listening to this material. Essentially it's the stuff of many American films and some TV shows—*cinema verité* that goes nowhere except to contemplate its own unadorned navel. Neither of the time strands is in itself particularly interesting, and the juxtaposition of both strands reveals very little that couldn't have been predicted.

The one sparkling asset of the film is Katrin Cartlidge, as Hannah. Cartlidge was in *Naked* and did well; she did even better as Emily Watson's patient, mature sister-in-law in *Breaking the Waves*. Here, as the younger Hannah, she performs a performing character: the syncopated, superficially knowledgeable, tinselly teenager whose protection against the impinging world is to be a stand-up comic *sans* microphone. In the older Hannah we see that act transmuted into sheen. The older Hannah's self, not her body, seems clothed in Spandex. Lynda Steadman, as the two Annies, has less showy parts but makes them discreetly sweet.

Like many another genuine innovator, Leigh can get so immersed in the making of a film that he takes its creation as its reason for being. But we aren't present at the creation, fascinating as it may have been. We have only the result, which this time is not enough. •

The truth about August 12, 1952.

The Night of the Murdered Poets

By Joshua Rubenstein

Yiddish culture has not entirely disappeared, but it was sentenced to death twice, and each time the sentence was carried out. On the eve of World War II, millions of Yiddish-speakers inhabited Jewish communities from Holland to Poland and into the heart of the Soviet Union. Hitler did his best to annihilate every Jew in the lands that his armies controlled. Jews survived his onslaught, but their communities and their culture were destroyed. The country that saved millions of Jews, and, not so incidentally, played the decisive role in stopping Hitler, was the Soviet Union. But the Soviet Union had its own solution to the Jewish problem.

Stalin, like Lenin, expected that the Jews would gradually disappear as the regime offered the carrot of modernization with the stick of assimilation. By the end of his life, however, Stalin could no longer constrain his murderous anti-Semitism, and he began a systematic assault on the leaders of Yiddish culture, who were the primary vehicle for Jewish identity in the country. This campaign culminated in multiple executions on August 12, 1952. (Among contemporary Jews, the date has come to be marked as "the Night of the Murdered Poets.") Convicted at a secret trial in the summer, all the defendants, except for the biologist Lina Shtern, were executed on a single night, twenty-four writers and poets (or so it was believed), all men (or so it was said), cut down by Stalin's executioners in the basement of Lubyanka Prison.

Their trial was held in secret, and for decades the regime refused to confirm what actually happened. Thus many rumors obscured the nature of the case, and the identity and the number of the defendants. Now, after the collapse of the Soviet Union, with the availability of previously closed archives (including the transcript of the trial, which was published in Moscow in 1994), and the tireless research of Russian scholars (notably Alexander Borshchagovsky, a writer in his late 80s who was given access to all forty-two volumes of the material surrounding the case) and Israeli scholars, the details of Stalin's anti-Semitic star-chamber can be plainly and accurately described.

The trial did not involve twenty-five defendants. There were fifteen defendants, all falsely charged with a range of capital offenses, from treason and espionage to bourgeois nationalism. Five prominent literary figures were among those indicted: the Yiddish poets Peretz Markish, David Hofshtein and Itzik Fefer; the writer Leib Kvitko, who was known throughout the country for his children's verse; and the distinguished novelist David Bergelson. The remaining ten defendants were not writers at all, but they were connected in various ways to the Jewish Anti-Fascist Committee (JAC).

The investigation and the subsequent trial were targeted as much against the JAC as they were against the remnants of Jewish culture in the country. The JAC, led by Solomon Mikhoels, the renowned Yiddish actor and director, had been established in 1942 alongside four other anti-fascist committees—for women, for youth, for scientists, for Slavs—designed to appeal to a different segment of Western public opinion in support of the alliance against Nazi Germany. The five Yiddish writers joined Mikhoels on the JAC, writing articles for transmission abroad or publication at home.

The leaders of the JAC argued over the limits of the committee's work. All agreed that it should support the war effort, raise funds, and issue appeals to Jews in other countries. As the war progressed, however, and the extent of Jewish losses became evident, many members of the committee wanted to expand its functions. Proposals were made to resettle Jewish refugees, to re-establish Jewish collective farms, to revive Jewish cultural life, and to collect eyewitness testimonies about the extermination of Jews on Soviet territory.

During the war, the regime tolerated the committee's initiatives, though several informers from within the JAC denounced it for taking on "politically harmful functions" and for "intervening in matters in which it should not interfere." The committee began to receive mountains of appeals and petitions from individual Jews whose lives had been devastated by the Nazis. "As much as we would like to keep within narrow bounds, we are unable to do so," Mikhoels explained to his colleagues. "Hundreds of letters are being received every day, and hundreds of people ... are turning [to us]. Life is persistently knocking at our door.... We cannot escape the multitude

Joshua Rubenstein is the author of *Tangled Loyalties, The Life and Times of Ilya Ehrenburg* (Basic Books). He is editing a book about the secret Moscow trial of the Yiddish writers, to be published by Yale University Press.

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of Jewish problems.... No matter how much we drive them away, they would return all the same." Under Mikhoels's leadership, the JAC began to approach Kremlin officials, requesting assistance in one case after another.

In a normal society, such appeals would be unremarkable, but in the kingdom of Stalin the committee was crossing a dangerous boundary. When Peretz Markish expressed concern over the mistreatment of Jews who had survived the war, and then returned to their hometowns in the Ukraine only to face discrimination and hostility from neighbors and officials, he was denounced for "slandering Soviet reality." Only weeks after the German surrender, the committee was criticized for highlighting the participation of Jewish soldiers in the Allied victory. Mikhoels could barely constrain his impatience: "No one is going to think that it was two Jewish brothers who took Berlin." Once victory over Hitler had been achieved, the regime grew increasingly suspicious of the JAC and the role that its leaders had assumed as representatives of Soviet Jewry, a role that the regime had never intended to encourage.

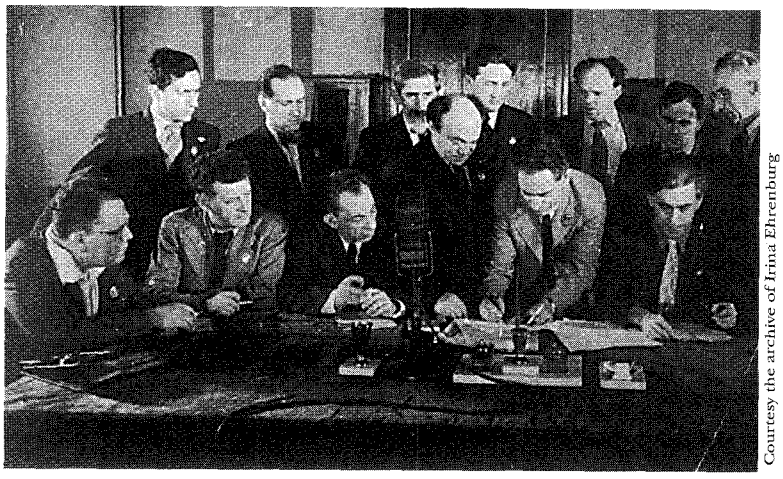
Stalin's decision to turn against the JAC reflected his growing paranoia, as well as several foreign policy difficulties that made the country's Jews vulnerable. With the onset of the cold war and the establishment of Israel in 1948, Stalin linked the threat of war with the United States to his belief that Soviet Jews had other loyalties. Although they had demonstrated their reliability in the struggle against Hitler, Stalin believed that in a conflict with America (where many Soviet Jews were presumed to have relatives) they would betray him. Israel, too, had disappointed him; it was turning into an ally of the United States rather than a member of the socialist bloc.

The JAC could not survive these tensions. In January 1948, Mikhoels was murdered on Stalin's personal orders. The JAC was officially closed in November. All the defendants in the trial of 1952 were arrested between September 1948 and June 1949—the five Yiddish writers and the ten other people connected to the JAC. But only the martyred Yiddish writers are still remembered at the commemorations of August 12. The other defendants who lost their lives, as well as the sole survivor, Lina Shtern, are rarely if ever mentioned, perhaps because their careers as loyal Soviet citizens do not fit comfortably into the categories of honor.

Indeed, the principal defendant was not a Yiddish writer, but a former member of the Central Committee. He was Solomon Lozovsky. Born in 1878, Lozovsky joined the Marxist underground in 1901. As a revolutionary, he was distinguished enough to know Lenin and Stalin well, and after the October revolution he played a major role in the Profintern, the international communist-controlled trade-union movement, and in the Communist International. (His daughter also assumed significant responsibilities, serving as secretary and confidante to Lenin's widow Nadezhda Krupskaya from 1919 to 1939.) Lozovsky survived Stalin's purges of the 1930s, and he was elevated in 1939 when Vyacheslav Molotov, who had replaced Maxim Litvinov as Soviet foreign minister, appointed him one of three deputy foreign ministers. (The other two were Andrei Vyshinsky, Stalin's dreaded prosecutor, and Pavel Dekanozov, a former secret police executive close to Beria who also served as Soviet ambassador to Germany from 1939 to 1941, the years of the Pact.)

During the war, Lozovsky took on additional responsibilities as vice chairman of the Sovinformburo, or Soviet Information Bureau, which was charged with dealing with the Western press. In that capacity, he supervised all five anti-fascist committees. Years later, no less a figure than Nikita Khrushchev vividly recalled that Lozovsky "was an energetic person and sometimes almost annoyingly persistent. He used virtually to extort material from me" about Nazi atrocities in the Ukraine and then arrange for articles abroad. The JAC carried out effective propaganda; by one estimate, it sent more than 20,000 articles to Allied presses in Europe and North America.

A second prominent defendant was Boris Shimeliovich, the former medical director of Moscow's Botkin Hospital and an active member of the JAC leadership. Shimeliovich had impeccable revolutionary credentials; he had joined the Bolsheviks in 1920, a year after his brother had been killed during the civil war fighting on behalf of the revolution. A third well-known defendant was Lina Shtern, at the time the only woman who was a full member of the Soviet Academy of Sciences. She was credited with inventing "Soviet penicillin," which saved thousands of lives at the front. Born in Latvia and educated in Switzerland, she had emigrated to the Soviet Union out of ideological conviction. And the fourth famous defendant was the Yiddish actor Veniamin Zuskin, who had worked alongside Solomon Mikhoels for many years and succeeded him as director of the Yiddish State Theater.



Courtesy the archive of Irina Ehrenburg

PERETZ MARKISH (SITTING SECOND FROM LEFT), DAVID BERGELSON (THIRD FROM LEFT), ILYA EHRENBURG (FURTHEST RIGHT), SOLOMON MIKHOELS (STANDING OVER MICROPHONE), MOSCOW, AUGUST 24, 1941

The investigators then roped in six little-known functionaries, some of whom had virtually nothing to do with the JAC's work, but whose alleged involvement in various crimes served to demonstrate the breadth of the committee's "treachery": the historian Joseph Yuzefovich; the journalist and translator Leon Talmy; the lawyer Ilya Vatenberg and his wife Chaika Ostrovskaya, who worked as a translator for the JAC; the editor Emilia Teumin; and the party functionary Solomon Bregman, who joined the JAC in 1944 and quickly became an informer, sending denunciations about "nationalism" within the committee to party officials.

With the exception of Itzik Fefer and Lina Shtern, all the defendants were brutally interrogated; some were beaten and tortured, placed in grim isolation cells, or subjected to endless nocturnal interrogations (the infamous "conveyor belt"), then compelled to sign confessions. Boris Shimeliovich was beaten mercilessly even before his interrogation began; he told the court that he counted more than 2,000 blows. Three years later, he was still not able to walk and had to be carried into court on a stretcher. Chaika Ostrovskaya renounced her signed confession during the trial. "The path to the isolation cell was well enough known to me," she explained to the judges; in fact she signed her name while hallucinating out of fear and exhaustion. Joseph Yuzefovich told the court that "he was willing

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to admit being a natural born nephew of the Pope" as a result of his treatment.

The interrogators often indulged in crude anti-Semitic invective. Emilia Teumin was forced to admit that "under Lozovsky the Sovinformburo had been turned into a synagogue." Colonel Vladimir Komarov, who conducted much of the case, screamed at Lozovsky that "the Jews are a foul and dirty people, that all Jews are worthless scum, that the entire opposition to the party was made up of Jews, that all Jews throughout the Soviet Union spit on Soviet power, that the Jews want to annihilate every Russian." Even a Jewish interior police official, who must have brought about his own share of human misery, was offended by the tenor of such interrogations, and complained to his superior that "the investigators are interrogating these prisoners as Jews and not as criminals."

Only Itzik Fefer immediately cooperated with the investigation, detailing a host of baseless accusations against the JAC that would frame the indictment in 1952. As a result of Fefer's betrayal, more than 100 people were arrested. It turns out that Fefer had been an informer for the Ministry of Internal Affairs (MVD) since at least 1943; and before that he had been among the most loyal and conformist Yiddish poets, helping to enforce strict ideological control over other Yiddish writers. He had a history of denouncing colleagues for their "nationalistic hysteria."

Fefer also played a significant role at the JAC as its vice chairman, accompanying Mikhoels on their famous trip to North America and England in 1943 to raise money and support for the Soviet war effort. (It was the first time that official representatives of Soviet Jewry were allowed to travel to the West; they received a tumultuous welcome, including a turnout of nearly 50,000 people in New York's Polo Grounds.) On the eve of their departure, Mikhoels expressed misgivings about traveling with Fefer. He "cannot be counted on for support and assistance," Mikhoels confided to his family. Mikhoels was right. Fefer had been dispatched to watch over Mikhoels and to make regular reports to a Soviet "handler." On the eve of the trial, Fefer was led to believe that if he continued to cooperate, his life would be spared. After all, he had done what was expected of him.

The regime, it is now believed, intended to conduct an open "show trial" reminiscent of the infamous proceedings against leading Bolsheviks in the 1930s. Beaten, intimidated, utterly humiliated, the defendants were being turned into compliant actors for another Stalinist

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charade. Yet following the initial period of their arrests, when the confessions were obtained, the security organs became distracted by other urgent matters. The investigation dragged on. Individual defendants began to retract their testimony. New interrogators appeared. New charges were concocted. Meanwhile, other writers who had been arrested were either executed or died in prison: in 1950 alone, Der Nister perished in a labor camp, Isaac Nusinov died in Lefortovo Prison, and the Yiddish journalists Samuel Persov and Miriam Zheleznova were shot.

It was not until the spring of 1952, well over three years since the initial arrests, that the regime was prepared to go ahead with the trial. The conduct of the proceedings was completely unprecedented. It opened on May 8; the sentences—all of them pre-arranged—were not handed down until July 18. Three military judges presided. There were no prosecutors and no defense attorneys. The defendants were permitted to make lengthy statements and to cross-examine each other, an aspect of the trial that resulted in moments of high drama, particularly when outspoken defendants such as Solomon Lozovsky and Boris Shimeliovich challenged Itzik Fefer. Stenographers carefully recorded every word, creating a reliable account of this monstrous episode.

As the transcript makes clear, the judges could not help but expose their prejudices and ignorance. One of the judges asked Leib Kvitko if he believed in God and if leaders of the JAC attended services in the Moscow synagogue. Hofshtein was upbraided for lecturing about his stay in Palestine, an act that could help "preserve Yiddish culture and language in the Soviet Union." By the court's logic, such a lecture could reinforce the Jewish identity of someone in the audience, thereby serving as a "brake on assimilation" at a time when the regime wanted the Jews to relinquish their culture and religion. During the war, the committee had been assigned the explicit responsibility of appealing to Jews around the world. Now, at a trial in 1952, the same committee was charged with advocating "the uniqueness of the Jewish people" and with "using Biblical images in a positive manner." "All this was disguised with Soviet slogans," the judges insisted, "when in reality proletarian internationalism was replaced with cosmopolitanism."

In the eyes of the judges, the defendants must have seemed as if they came from another world. Several of them had been born to rabbis, ritual slaughterers, or Hebrew teachers. Raised in small Jewish towns in remote regions of the Russian Empire, the Yiddish writers among them had begun their careers before the October Revolution. Four of them (Fefer excepted) had even left the country in the 1920s for extended stays abroad. Markish lived in Poland and France; Kvitko, in Germany; Hofshtein, in Palestine; Bergelson, in the United States and several West European countries. And each of them had returned, unable to find a place for himself as a Yiddish writer, while the Soviet Union, promising to subsidize literature including Yiddish, seemed to be the only country where these writers could make a living. (During a visit to the Soviet Union in 1926, Bergelson declared himself to be "a Soviet writer" and described the Soviet Union as the only hope for Yiddish culture and literature. He then left the country for eight years, before returning for good in 1934.) Their time abroad, too, was used against them. It was evidence of their long-standing disloyalty.

The transcript of the trial is very painful reading. Most of the defendants could not avoid debasing themselves. Fefer, the principal accuser, began his testimony by incriminating several co-defendants, claiming that he had recognized "nationalistic views" in the work of Bergelson, Hofshtein and Kvitko as early as 1920, when he first met them in Kiev. Shimeliovich was "an aggressive Jew," while Shtern did not regard the Soviet Union as her "true fatherland." Kvitko claimed that Hofshtein and Shtern had Zionist tendencies. Markish testified that the "very fact" that the Jewish Anti-Fascist Committee collected information on Jewish suffering was an act of nationalism. Bergelson confessed that his religious upbringing was tantamount to nationalism. Kvitko denied believing in God. Bergelson said that Hofshtein encouraged the study of Hebrew. Hofshtein regretted that he continued to write in Yiddish. At one point Bergelson grew so frustrated by the judges' aggressive questions that he blurted out: "There cannot be anything criminal in the phrase 'I am a Jew' [he was referring to a poem by Itzik Fefer]. If I approach someone and say 'I am a Jew,' what could be bad about that?"

The principal accusation revolved around the "Crimea question." Jews had once established small agricultural colonies in the northern Crimea in the 1920s. Two decades later, faced with severe dislocations brought on by the war, the Holocaust, and the difficulty of returning Jewish survivors to the Ukraine, Mikhoels and others proposed making the Crimea a Soviet Jewish Republic. At first the regime treated the proposal seriously, but it was not long before it dismissed the whole idea. Lazar Kaganovich, the only Jew in Stalin's Politburo, told Mikhoels and his colleagues that "only artists and poets" could think up something like that. Then, after the arrest of Fefer in December 1948, the regime began to embroider an ugly and elaborate quilt of lies and fabrications: that during their visit to New York in 1943, Fefer and Mikhoels offered to establish a Jewish republic in the Crimea, so that Zionists and American imperialists could use it as a "bridgehead," as part of a long-term strategy to dismember the Soviet Union.

Several defendants were also accused of passing state secrets to two American Jews: Paul Novick, the communist editor of the *Morgen Freiheit* in New York, and the Yiddish journalist B.Z. Goldberg (who was the son-in-law of Sholem Aleichem). Novick and Goldberg were well-known left-wingers, apologists for the Soviet Union and enthusiastic supporters of the wartime alliance. They each visited the Soviet Union soon after the war with the full support of the Kremlin. Naturally they spent the bulk of their time with their Yiddish-speaking colleagues, anxious to assess the prospects for reconstruction and renewal after the war's devastation. But MVD investigators decided to turn Novick and Goldberg into American espionage agents, and accused the JAC of passing along secret economic and political information.

Other accusations were equally farfetched. Emilia Teumin was condemned for failing to contradict Mikhoels and Fefer when they supposedly uttered "nationalistic" remarks in her presence. "I carried the poison of bourgeois nationalism," she admitted in a final plea for her life. Leon Talmy had written a book about Birobidjan in 1931, describing that failed experiment in Soviet Jewish autonomy as a promising answer to "the Jewish problem." "Experts" called by the court testified that the book contained "state secrets." The regime needed to connect Talmy, along with Ilya Vatenberg and Chaika Ostrovskaya, to the case because they had once lived in the United States. It did not matter that in the 1920s Talmy had helped to found the American Communist Party and wrote glowing articles about the Soviet economy and Soviet culture for *The Nation*, or that Ilya Vatenberg helped to represent Soviet commercial interests in New York. The cold war was on. America was the enemy.

Once the trial got underway, the indictment and Fefer's testimony were demolished by several defendants, Lo-

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zovsky in particular. He, too, had signed a confession after eight nights of nonstop interrogation. As he explained to the court, he understood that it was hopeless to resist and decided to wait with the truth until his trial, when he hoped to speak his mind to a broad public audience or at least to party leaders. In this he was disappointed, for Lozovsky's only listeners were three judges, his fellow defendants, and a stenographer. His testimony lasted for six days and was the emotional climax of the trial. His words deserve to be remembered, especially his opening statement:

> As you know, my family name is Dridzo. This name cannot be translated into any language. When we asked our father what it signified, he told us that, according to a story that had been passed down from fathers to sons, one of our very distant ancestors was among the 800,000 Jews who fled from Spain when the chief inquisitor Thomas Torquemada issued a decree compelling Jews either to convert to Catholicism or leave the country within two months. I became Lozovsky in 1905 at the Bolshevik conference in Tammerfos, where I met Lenin and Stalin for the first time.
>
> My father was a Hebrew teacher. He knew Talmud, knew Hebrew very well, wrote verses in ancient Hebrew. My mother was an illiterate woman. My father taught Hebrew grammar, prayers, and Russian grammar. The fact that a Hebrew teacher taught his son the Russian language shows he was not a fanatic. I was religious until about the age of thirteen.

After three and a half years of complete isolation, subjected to brutal threats and interrogation, Lozovsky had preserved his dignity. It is astonishing that in these circumstances he had the presence of mind to compare the Soviet tribunal to the Spanish Inquisition and his judges to Torquemada.

Lozovsky proceeded to take apart the indictment as no defendant in a Soviet political case had ever done before. Could the JAC hand over the Crimea to American imperialism? Lozovsky reminded the judges that in 1945 "Roosevelt flew into the Crimea [for the Yalta conference] with a large group of spies in numerous airplanes. He did not come here to see either Fefer or Mikhoels, or to worry about settling Jews in the Crimea, but for far more serious matters.... What could Hofshtein, Ostrovskaya, or Zuskin ... pass along to him?" As for charges of espionage, Lozovsky made clear that copies of all correspondence were saved by the committee. "What kind of spies make copies of their dealings?" As for Goldberg and Novick, were they really espionage agents? Lozovsky pointed out that the Soviet press had nothing but praise for each of them; the JAC could hardly be expected to know that they were spies when the NKVD and the MVD, who arranged for their trip, did not know either. But none of their functionaries were in the dock!

The entire case was such an obvious fabrication that Alexander Cheptsov, the presiding judge, interrupted the trial for almost a week and appealed to judicial and party officials to renew the investigation. Such an action by a Stalinist judge was extraordinary. Cheptsov was not acting out of purely idealistic motives. A veteran jurist, he had condemned other Jewish figures at earlier trials that were no less contrived. There is reason to believe, however, that Lozovsky's eloquence and bearing—and the fact that Fefer began to back away from his testimony during the questioning of Lozovsky, and then admitted in a closed session that he had been an informer and was now prepared to disavow his testimony—impressed the judges.

Cheptsov also sensed, moreover, that there was continuing disarray within security circles, and he wanted to be sure that his severe instructions—to condemn obviously innocent people, including Lozovsky, who was an Old Bolshevik with a distinguished party and government career—still applied. Georgy Malenkov himself rebuffed Cheptsov's request. "Do you want to bring us to these criminals'

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knees?" he told him. "The Politburo has investigated this case three times. Carry out the Politburo's resolution." Cheptsov did as he was told. Except for Lina Shtern, who was sentenced to a term of exile, and Solomon Bregman, who collapsed into a coma during the trial and died in prison in January 1953, the remaining thirteen defendants, including two women, were convicted and sentenced to death. The sentence was carried out on August 12, which happened to be David Bergelson's 68th birthday.

A terrible irony played itself out afterwards. As editor of the *Morgen Freiheit*, Paul Novick was under tremendous pressure to explain the whereabouts of many Soviet Yiddish writers. As late as 1955, Soviet spokesmen were denying that anything was amiss. But in April 1956, the Yiddish newspaper *Folkshtimme* in Warsaw broke the news that numerous Yiddish writers had been victims of "Beria's gangs." (After Stalin's death, and particularly after Khrushchev's speech denouncing the dictator in February 1956, loyal communists continued to blame things on the malicious influence of Stalin's security chief Lavrenti Beria. In fact, Beria was not connected to the wave of repression against the JAC.) The article did not mention, though, that an actual trial had taken place.

Well before this announcement, however, Novick knew that something terrible had happened to his friends in Moscow, but his loyalty to the Soviet Union and his steadfast belief in communism compromised his judgment. He did whatever he could to cushion the news and to reassure his readers that Yiddish culture would be restored to its previous glory now that Stalin's "cult of personality" had been exposed and Leninist principles had been restored. It is not clear if Novick ever learned that his name was used against the defendants (he died in 1990 at the age of 99, long before the transcript of the trial was released), but his long-standing loyalty was typical of many in his generation. As his widow observed after learning about the fate of the Yiddish writers, "it was unbelievable to us. We believed in the party like religious Hasidim."

Paul Novick carried a heavy sense of guilt over the fate of his friends. David Bergelson had come to New York in the 1920s, but then he decided that he had to return to Europe and eventually to the Soviet Union. Novick was deputy editor of the *Morgen Freiheit* in those years, and he may have felt that he could have done more to help Bergelson establish himself in America. When Novick traveled to Moscow in the late 1950s, he immediately visited Bergelson's widow. When he entered her room, he fell on his knees, burst into tears, and begged for forgiveness.

As for the defendants at the trial, it is not clear what they believed about the system that they each served. Their lives darkly embodied the tragedy of Soviet Jewry. A combination of revolutionary commitment and naïve idealism tied them to a nightmarish system that they could not renounce. Whatever doubts or misgivings they may have had about the "utopia" in which they lived, they kept them to themselves, and served the Kremlin with the required enthusiasm. They were not democratic dissidents. They were Jewish martyrs. They were also Soviet patriots, destroyed by what they had loved. •

The Writer In His Labyrinth

BY CHARLES LANE

News of a Kidnapping by Gabriel García Márquez translated by Edith Grossman

(Knopf, 291 pp., $25)

I.

The Falklands War produced its share of sensational stories, but none was more sensational than the one published by Gabriel García Márquez in the Madrid newspaper *El País* on April 6, 1983, a year after the war ended. It was an account, based on a purported "letter" from an unnamed "witness," of gruesome atrocities perpetrated by the British Army's Nepalese auxiliaries, the Gurkhas. García Márquez, who had won the Nobel Prize for Literature the year before, wrote that the "legendary and ferocious Nepalese decapitators," wielding "assassins' scimitars," beheaded one Argentine prisoner "every seven seconds." And "because of some strange custom they held up the severed head by the hair and cut off the ears." The "beasts were so crazed," García Márquez reported, that "they continued killing the English themselves, until the English had to subdue them with handcuffs."

There was one problem with García Márquez's story. Nothing remotely like it had actually taken place. The only kernel of truth was that the Gurkhas, who carry not scimitars but curved knives called *kukhris*, did appear briefly in the Falklands. (They cleared mines after the fighting ended.) Confronted later with the facts, García Márquez conceded only that his numbers might be a little off. But too late: Radio Peace and Progress, a Soviet-operated service, had picked up his tale and beamed it to every corner of Latin America, at a time when the continent was still seething over Argentina's defeat.

For a lesser writer, a mishap such as the Gurkha massacre story might have been some sort of a setback. But not for García Márquez. He has a proven genius, after all, for the exciting and unexpected application of imagination to reality. His reputation was secured three decades ago with *One Hundred Years of Solitude*, a masterpiece; and, throughout the Americas and Europe, the Colombian writer is celebrated as the authentic voice of the downtrodden peoples of Latin America. Now his new book of reportage, *News of a Kidnapping*, is being hailed as a literary and historical achievement. Here, in one book, you get the high pleasures of García Márquez's style and a true story of great importance. "More like a novel than all my novels," García Márquez boasted in an interview with *Newsweek* last year, and yet, as he declared at a 1996 seminar of Latin American reporters, "every single detail in this book is real." Call it magical realism journalism.

García Márquez's book is set in Colombia in 1990 and 1991, when the Medellín cocaine cartel used a campaign of murder, bombings and kidnapping to force César Gaviria, the newly elected president, to abandon his predecessor Virgilio Barco's policy of honoring an extradition treaty with the United States. Under the treaty, drug lords were delivered to the United States to stand trial in courts that they could not corrupt. Pablo Escobar, the boss of the cartel, calculated that public opinion would turn against extradition, if he made enough Colombian blood flow.

Colombians tended to see the war on drugs, at best, as a sop to the United States and, at worst, as a threat to their income. In the slums of Medellín, Escobar was something of a folk hero, a

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latter-day Dillinger. So Escobar's strategy paid off. As García Márquez puts it: "after the first bombs, public opinion demanded prison for the terrorists, after the next few bombings the demand was for extradition, but as the bombs continued to explode public opinion began to demand amnesty." Gaviria could not withstand the cries for peace at any price. In May 1991, Escobar agreed to turn himself in to a "golden prison" near Medellín, in return for Gaviria's promise not to extradite him. Not surprisingly, Escobar continued to run his drug cartel from this phony jail, then bribed his way out anyway. He was finally killed in December 1993, in a shootout at the end of an American-orchestrated manhunt.

News of a Kidnapping tells the story of several prominent Colombians, most of them journalists, and most of them friends or acquaintances of García Márquez, whom Escobar seized as bargaining chips in his war against extradition. Two of these people, Marina Montoya, an elderly member of a prominent political family, and Diana Turbay, a TV journalist and daughter of a former president, were killed—the former by the kidnappers, the latter in a bungled rescue attempt by the police. The others were eventually freed in the deals that produced Escobar's sham confinement.

This must have seemed like powerful stuff when García Márquez's friends, Maruja Pachón, a journalist, and her husband Alberto Villamizar, a well-known politician, came to him and proposed that he write a book about her kidnapping. So the writer chose this subject for his grand return to reportage. The bulk of García Márquez's book describes the tense efforts of hostage families to negotiate their release, or the hostages' nerve-racking life in captivity. But fruitless negotiations are not all that spellbinding a subject, except for those who were personally involved, and neither are the gray days of a bored and frightened prisoner. Many years have passed since these events occurred.

This is where style comes to the rescue! García Márquez believes that he can freshen up old news through the sheer accretion of outlandish details, rendered in his poetically controlled, matter-of-fact tone. As he told that seminar in 1996 (thorough accounts of it have appeared in *The Paris Review* and *World Policy Journal*), "one must keep the reader hypnotized by tending to every detail, every word." (And every slash of that Gurkha scimitar?) "It is a continuous act where you poison the reader with credibility and with rhythm." Never mind the irony. The sort of journalism

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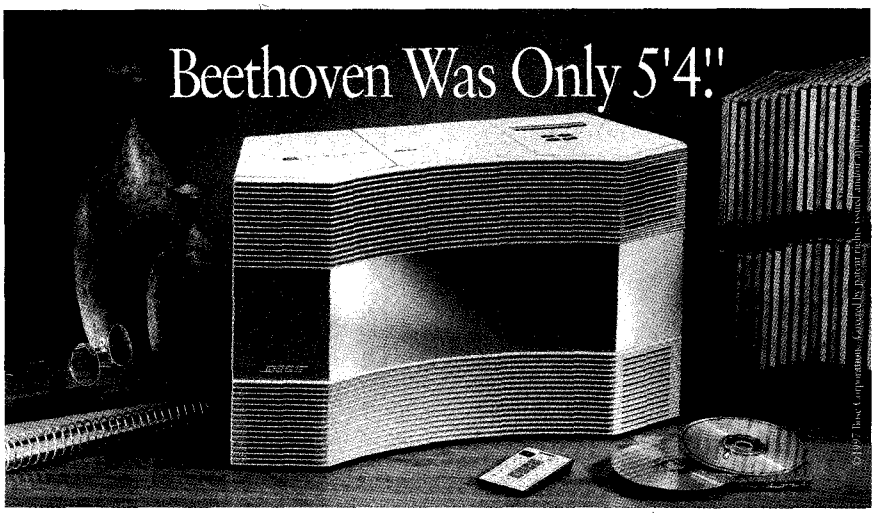

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that is exemplified by García Márquez's book accomplishes precisely what he thinks it should accomplish: it poisons the reader with credibility.

Of course, there are passages in this book that remind one that the reporter is also a writer:

> Everything was dismal and oppressive. In the corner to the left of the door, on a narrow bed with iron posts, sat a spectral woman with limp white hair, dazed eyes, and skin that adhered to her bones. She gave no sign of having heard them come in; not a glance, not a breath, nothing. A corpse could not have seemed so dead. Maruja had to control her shock.
>
> "Marina!" she whispered.
>
> Marina Montoya, kidnapped three months earlier, was thought to be dead . . .

And there is the florid pointillism for which García Márquez is famous. Some of the kidnappers liked Guns 'n' Roses. One group of hostage negotiators flew in a six-passenger Bell 206, but a second group used a twelve-passenger Bell 412. Gaviria woke up at five in the morning on the day Escobar surrendered, and "without the help of an alarm clock." Still, how many different ways can you describe a day in a dark room? The details become hypnotic in a way that García Márquez never intended. Even he seems to lose interest, dozing off into clichés. "Power—like love—is a double-edged sword." Characters are "pursued by demons," "besotted with drink," "pale as death." And so on.

But these failures of style are related to more serious matters of journalistic practice. For detail alone does not produce "credibility." Quite the contrary. The accumulation of particulars is a fine way to provide the appearance of verisimilitude in the absence of its reality. It is possible to get the minor things right and the major things wrong. Simple declarative statements of the fantastical can be a form of propaganda. ("They held up the severed head by the hair and cut off the ears.") This is especially likely when the magical realist journalist is himself close to the people and the events that he is writing about, but does not feel the need to disclose this fully to his readers. García Márquez's just-the-facts posture is not only tedious. It is also dishonest.

The essential background to any work of nonfiction by García Márquez is his own participation in the ideological and political dramas of Latin America. The extraordinary success of *One Hundred Years of Solitude* and the Nobel Prize have made "Gabo" a figure of enormous influence; it has been a long time since he could be plausibly described as a detached observer. At every opportunity, he has sought to involve himself in the high-level affairs of the powerful, in his native Colombia and elsewhere in the region. And, at every opportunity, he has used his prestige to advance a particular political agenda, whose only consistent principles have been mindless hostility to the United States, and mindless obeisance to Fidel Castro.

II.

The origins of García Márquez's unreconstructed anti-Americanism lie in the mists of the 1920s, when the United Fruit Company still held sway on Colombia's Caribbean coast. Born in this region in 1928, García Márquez was raised by a grandfather who supported the populist wing of Colombia's anticlerical Liberal Party, and who weaned his grandson on the legend of the great banana strike of '28, which ended when Colombian soldiers purportedly massacred hundreds of workers for demanding better wages and conditions from the *gringos*. That incident, vividly transmogrified in *One Hundred Years of Solitude*, hardened in García Márquez's imagination into an imperishable emblem of the entire historical relationship between the United States and Latin America.

But the Colombia of García Márquez's young adulthood was consumed by even worse killing, and it was entirely domestic in origin. *La Violencia*, as the civil war of 1948-1953 between the Liberal and Conservative Parties was known, caused about 150,000 deaths and lastingly undermined the legitimacy of the Colombian state. This war eventually petered out, and, after an interlude of military rule, the two parties agreed to trade power by means of periodic quasi-free elections. But soon came the wars waged by Marxist guerrillas, and then by right-wing death squads, and then by the drug cartels. *La Violencia* may have ended, but the violence never did.

Like many Latin American intellectuals of his generation, García Márquez felt shame and revulsion at his country's chaos and militarism, and sought explanations in large, impersonal forces: class conflict and American imperialism. Given his first lessons in Marx by teachers at boarding school, he joined the Communist Party of Colombia in 1950, when he was a 22-year-old beginning journalist. (These facts come from an interview García Márquez gave to his friend Plinio Apuleyo Mendoza, published in Colombia in 1982.) Over the next decade or so of his clandestine membership, he used the party's underground leaders as sources for his newspaper stories, and collected dues for the party from other journalist-members (according to a biographical essay by Jacques Gilard in the authorized collection of García Márquez's journalism, published in Spain in 1983). García Márquez's political leanings were discernible already in his journalism of the 1950s, beginning with a series in the Bogotá paper *El Espectador* in 1954 about the plight of Colombian veterans returning from what García Márquez depicted as a pointless war against communism in Korea.

On three different occasions between 1955 and 1957, García Márquez traveled to Eastern Europe and the Soviet Union. His reports on the trips were first published by *Momento* of Caracas, Venezuela, in November 1957; they appeared as a book, *A Voyage Through the Socialist Countries: 90 Days Inside "The Iron Curtain,"* in 1978. His account of life in the orbit of Soviet communism was sometimes critical, sometimes not. East Germans were the "saddest people I have ever seen," but he met "not one Czech who was not more or less content with his lot in life." The Poles, who were "just as anti-American as they were anti-Soviet," told him that what they really wanted was "socialism . . . now."

In Moscow, as a credentialed delegate to a Youth Festival, he admired Khruschchev's "reforms," but he seemed unsure whether to believe the worst accounts of Stalin's terror. In Hungary, just a few months after the Soviet invasion, he noted the regime's police state tactics, but also the danger that "reactionaries" might exploit the weakness of the party. And, even in this context, García Márquez found reasons to blame America. Both the Hungarian government and the Soviet government "would have taken advantage of an opportunity for a decorous retreat," he wrote. "But the West has not proposed a formula that permits them to save face, and the Hungarian people are the ones who are paying the consequences."

Overall, as the biographer Stephen Minta writes, "the experience of the socialist states of eastern Europe led to no obvious changes in García Márquez's political attitudes." He came back disillusioned with the Soviet model. He wrote in 1959 that the execution of Imre Nagy, Hungary's reform Communist leader, was a "political murder" that would play into the hands of capitalist propaganda; and, obviously, he resisted socialist realism as a literary method. But, still, he sought a collectivist alternative to American-style modernity. Democracy as we know it was never really the object of his desire. It was, in any event, a consequence of the economic circumstances.

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"Democracy in the developed countries is a product of their own development, and not vice versa," he told Plinio Apuleyo Mendoza. "To try to introduce it in a crude form into countries with other cultures—like those of Latin America—is as mechanical and unreal as to try to introduce the Soviet system." García Márquez's dream of a united Latin America was the dream of a great leap forward. It expressed a longing not so much for prosperity and freedom as for power: for a magical formula that could make gleaming cities rise out of the backwaters of Bolívar's continent, and unite its happy and heroic people into a mighty whole, capable of contending as equals with the colossus of the North.

It was not long before a proletarian Latin American hero appeared to answer García Márquez's longing. His name was Fidel.

Another early milestone in the evolution of García Márquez as a journalist was his visit to Havana in January 1959. He was invited by Castro to cover "Operation Truth," or the trials—and executions—of hundreds of former officers of the Batista regime. García Márquez came away from this grim spectacle a believer, accepting an offer to help open a bureau of *Prensa Latina*, Castro's official wire service, in Bogotá. He spent the second half of 1960 working at *Prensa Latina* in Havana, and by early 1961 he was at *Prensa Latina*'s bureau in New York—where he lasted only a few months. Aníbal Escalante's Moscow-line faction of the Cuban revolutionary elite tried to take control of the state press. Escalante distrusted García Márquez's mentor at the agency, the Argentine journalist Jorge Ricardo Masetti, who was too close to Che Guevara. One step ahead of the purge, García Márquez fled to Mexico and returned to his novels. In 1967, he produced the great *One Hundred Years of Solitude*.

Despite this brush with the revolution's mounting internal contradictions, García Márquez never gave up the ambition of being useful to Castro. His chance came in 1971. In that year the poet Heberto Padilla became the target of a cultural crackdown personally led by Fidel Castro and his brother Raúl Castro, the defense minister. Padilla's arrest prompted a group of leftish European, American and Latin American writers, including Carlos Fuentes, Mario Vargas Llosa and García Márquez, to sign a letter advising Castro of their "misgivings" about the treatment of Cuban writers. Castro responded with vitriol. The intellectuals wrote another letter, expressing "shame and anger."

For many Latin American intellectuals, most notably Vargas Llosa, the Padilla case was the end of the honeymoon with Fidel, the Cuban Revolution and socialism in general. For García Márquez, the Padilla case was also a turning point—in the other direction. He refused to sign the second, tougher, letter from the intellectuals to Castro. Indeed, he began to protest that he had never approved the wording of the first one. Given the astounding impact of *One Hundred Years of Solitude*, his stance was important to Castro. The writer helped to mitigate what could have been an even worse embarrassment. And the *caudillo* reciprocated. García Márquez was welcomed into the inner circle of the Cuban regime. He was showered with privilege: his own institute of cinema in Havana (to support the making of films "sustained by the principles of sovereignty and unity against the principal enemy"), a mansion, a Mercedes, a staff of servants.

Now, many years later, the artistic repression, the economic failure and the political despotism of Castro's revolution are almost universally acknowledged. And still, Castro has no more fervent defender than García Márquez, who last year told *Newsweek* that "Cuba's doing very well emerging from its problems." This is crazy. Why does García Márquez persist? Norberto Fuentes, a Cuban writer who was once close to both Castro and García Márquez, but has since left for Miami, told me that Cuban intelligence must control the Colombian through "some mechanism of blackmail, the exact nature of which I don't know," but which may involve García Márquez's leftist past. Maybe. Maybe not. The reason for García Márquez's stubborn support of Castro is probably not so mysterious, however. García Márquez loves Castro because Castro hates America. "More than anything else," he told the Mexican political analyst Jorge Castañeda, "when I finally got to know Fidel in 1972, for me he was a barrier to the United States in Latin America, a true Latin Americanist barrier." "If it weren't for Cuba," he told *Newsweek*, "the United States would be in Patagonia by now."

On drug trafficking, too, García Márquez's attitude is basically an expression of his hackneyed antipathy toward America. Now, a case can be made that consumption in the north, and not production in the south, is the real problem: in the matter of drugs, the United States has not exactly covered itself in glory. But the criticism that may responsibly be leveled against the United States is nothing like the criticism that García Márquez levels against it. He criticizes the United States only in the most demagogic terms.

In November 1989, for example, Gar-

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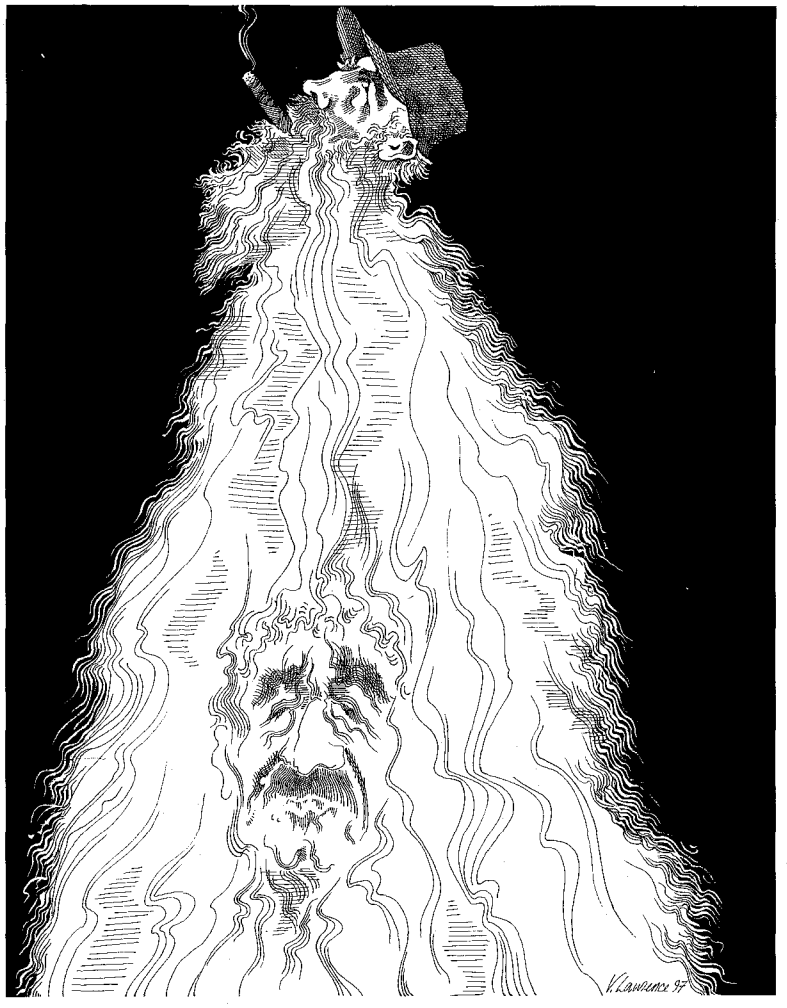
cía Márquez published a newspaper column in Colombia calling then-President Barco's decision to send six traffickers to the United States "shameful." He told the Medellín newspaper *El Mundo* that "Colombia cannot give up its sovereignty and turn it over to a foreign nation. The next step would be to allow U.S. troops into Colombia to fight drug trafficking, and that would be totally unacceptable." He also condemned the Gaviria government's "hypocrisy" for offering Escobar a deal while continuing police operations against the cartels. Even his proposal for the legalization of drugs, launched in a February, 1994 *New York Times* op-ed, is couched in anti-American terms. Legalization, he wrote, would end "the useless war that the consuming countries have inflicted on us." "All the money Colombia invests in fighting drugs should be invested in the United States to research synthetic cocaine," he told the *Times* in March 1995.

It seemed not to matter to García Márquez that his president could not seriously negotiate with the traffickers if he unilaterally stopped enforcement efforts; or that the specter of an American invasion of Colombia was a paranoid fantasy; or that the crimes with which the cartel bosses were charged included not just selling drugs to *gringos*, but murdering countless Colombians. Nor did García Márquez care much that the alleged violation of sovereignty represented by extradition was committed in accordance with a treaty that Colombia had ratified. Extradition is a perfectly common and necessary arrangement among states. When Canada recently sent a Saudi national suspected of terrorism against Americans to the United States, it did not thereby sacrifice its sovereignty. Only an extreme and irrational nationalist like García Márquez could feel threatened by transnational cooperation against transnational crime.

And only in the progressive imagination of someone like García Márquez could the Colombian drug lords be portrayed sympathetically as the victims of imperialism. The net effect of the writer's rhetoric was to bolster the traffickers' cynical efforts to wrap themselves in the mantle of Latin American solidarity. When Gaviria's government finally let Escobar dictate the terms of his "surrender," it was obliged to do so at least in part because García Márquez had undermined its ideological position. If Colombians "demanded extradition, and then began to demand amnesty," it was in part because their most illustrious countryman counseled them to give up the fight.

On the day of Escobar's sham surrender, the headline in Bogotá's *El Tiempo* was "TERROR WON." For his part, García Márquez suddenly scrapped his earlier condemnations of Gaviria. He described the president's cave-in as "a triumph of intelligence." *News of a Kidnapping* continues the prettification of the abject strategy that García Márquez advocated. "The plan did not propose negotiations with terrorism in order to conjure away a human tragedy for which the consuming nations bore primary responsibility," García Márquez writes. "On the contrary: The aim was to make extradition a more useful judicial weapon in the fight against narcotraffic by making non-extradition the grand prize in a package of incentives and guarantees for those who surrendered to the law."



GABRIEL GARCÍA MÁRQUEZ BY VINT LAWRENCE FOR THE NEW REPUBLIC

III.

That judgment is owed not only to García Márquez's doctrinaire anti-Americanism, but also to another, even more troubling aspect of the writer's mentality. All his passions and his principles notwithstanding, García Márquez has an unconquerable weakness for power, a self-described "obsession with different styles of power," which, he has written, "is more than literary—it's almost anthropological." It is also quite amoral.

García Márquez's power-worship was already evident on his early trips to Eastern Europe. Visiting Stalin's mausoleum in Red Square, he stood transfixed by the "delicacy" of the tyrant's embalmed hands: "They [were] the hands of a woman." He found even Janos Kádár, the Hungarian party boss who called in Soviet tanks in 1956, to be an "intelligent, capable, and honest" leader, who, "in other circumstances, would have been the man of Hungary." In more recent years, certainly, García Márquez's enthusiasm for the great man theory of history (more specifically, the great communist man theory of history) has been reflected in his words about Castro, which have been hagiographical. The Cuban dictator, he wrote in 1990, is afflicted by "shyness," and yet he is "one of the greatest idealists of our time," a profound intellectual who "breakfasts with no less than 200 pages of news from all over the world," reads treatises on orthopedics in his spare time, and has the "faculty of discerning the evolution of a matter all the way to its remote conclusions. As if he could see the projecting mass of an iceberg at the same time as the seven-eighths of it underwater."

César Gaviria is no Fidel Castro, and no dictator. But he had the power; and since 1991 he and García Márquez have become friends. The ex-president is now

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secretary general of the Organization of American States (OAS), a position that makes him eminently relevant to the writer's political machinations. Thus, García Márquez portrays this Colombian pol in the fustian that he usually reserves for, well, Castro. Gaviria "rested with the same discipline he applied to work." ("A long time ago," García Márquez wrote in 1990, Fidel "said 'as important as learning to work is learning to rest.' ") Gaviria "could fall into a deep sleep for five or ten minutes, even sitting at his desk, and wake refreshed, while his colleagues collapsed with exhaustion." (Castro, too, "left an intense work session at nearly midnight with visible signs of exhaustion, and returned in the predawn hours fully recovered after swimming for a couple of hours.") When Gaviria learns something is amiss in his realm, he has only to demand, "'When the hell is the ministry going to resolve this mess?' The solution [is] instantaneous." Remember: "Every single detail in this book is real."

Worse, García Márquez's "anthropological" obsession gets the better of him with regard to Pablo Escobar. The writer does not deny that Escobar committed "indiscriminate merciless terrorism." But Don Pablo was, after all, a very powerful man. And so García Márquez makes excuses for him. When the drug lords launched their campaign of murder, they "offer[ed] to surrender to the authorities and bring home and invest their capital in Colombia, on the sole condition that they not be extradited." This was merely the traffickers' traditional game of *plata o plomo*—take a bribe or take a bullet—writ large. García Márquez presents it as a good-faith proposition.

We learn that Escobar agreed to surrender as a "sacrifice for peace." He treats a visitor with "cordiality and great respect." His "devotion to family was proverbial." In "a voice heavy with fearsome authority" and "with his awesome calm, he expressed regret for the suffering he had caused Villamizar and his family, but asked him to understand that the war had been very hard on both sides." Tenderly, he asks a priest to bless a gold medal that he wore around his neck. García Márquez repeats the priest's assessment of Escobar without comment: "Deep down all men are good, although some circumstances can make them evil. Escobar is a good man."

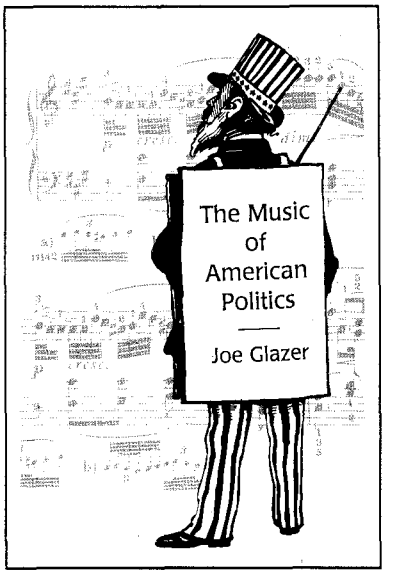
"The most unsettling and dangerous aspect of his personality," García Márquez writes of Escobar, "was his total inability to distinguish between good and evil." After reading García Márquez's equivocations regarding the murderer of Medellín, however, we are entitled to wonder if these same words apply to him, too. At the very least, García Márquez's treatment of Escobar is hard to square with his ostensible sympathy for the victims of the drug lord's kidnappings, who are, after all, both his friends and the main sources for "this autumnal work, the saddest and most difficult of my life."

In García Márquez's mind, however, there is no contradiction. Despite his professed dismay at Colombia's "biblical holocaust," he sees no need to apportion responsibility for it among Colombians. First, the whole mess is the fault of the United States: "People had been correct in identifying extradition as a contributing factor to social unrest, and in particular to the savagery of terrorism." (García Márquez himself, of course, was the most prominent of these "people.") So the Yankee devil made Escobar do it. And, second, the Escobar deal was a guilt-free solution by means of which all the Latin American men of power preserved their honor. Ever since he chided the West for denying the Soviets a polite way out of their Hungarian adventure, appeasement has been García Márquez's prescription for the resolution of conflict. In that spirit, he dedicates *News of a Kidnapping* to "all Colombians—innocent and guilty."

Indeed, though García Márquez has been enmeshed of late in the Byzantine politics of Colombia itself, his own forte as a Latin American figure is the discreet brokering of freedom for hostages and political prisoners. His ace in the hole is his access to Castro, who releases the innocent in exchange for some benefit, tangible or intangible, while García Márquez reaps a reputation for humanitarianism. Just last year, García Márquez was the middleman between Castro and Gaviria, whose brother had been kidnapped by pro-Cuban Colombian guerrillas. García Márquez asked Castro to intercede: Gaviria's brother was freed; the guerrillas decamped to Cuba. (All the Colombians, the innocent and the guilty, emerged unscathed.) Gaviria repaid Fidel with some friendly words at the OAS.

This is the deep and ugly irony of *News of a Kidnapping*: here we have a story about hostage-taking by a writer-celebrity whose political specialty is arranging the release of hostages, and whose efficacy in that role is a function of his relationship, direct or indirect, with the captors.

García Márquez, of course, sees it differently. "It's much more important for Latin America that I remain friends with [Castro] than for me to break with him,"



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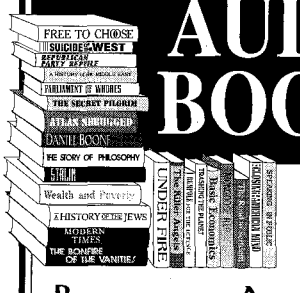

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he has said. Isn't Latin America better off for his policy of personal engagement with Castro? No, not exactly. A strategy of forever negotiating with terrorists, or their sponsors, tends to encourage more terrorism. Since 1979, when García Márquez and Graham Greene helped to spring two British bankers held by Marxist guerrillas in El Salvador, García Márquez's efforts as a hostage-liberator have had just such a cyclical quality. In 1980, M-19 terrorists seized the Dominican Republic's embassy in Bogotá, taking dozens of diplomats from all over the world hostage. García Márquez helped arrange for the guerrillas to release their captives and to escape to Havana with $5 million in ransom. Sure enough, an enriched and rearmed M-19 struck again in 1985, seizing the Palace of Justice in Bogotá with the entire Supreme Court as their hostages. García Márquez once again offered to broker a deal. "Gabo is a charlatan," Colombia's Minister of Interior wisely concluded. An horrific battle ensued and dozens were killed, but M-19 was never a major threat again, and ultimately negotiated its peaceful conversion into a political party. (In *News of a Kidnapping*, García Márquez pointedly contrasts the Colombian government's conduct in the latter case with its conduct in the former, but he does not disclose his own role.)

García Márquez also touts his representations to Castro on behalf of Cuban dissidents. In a press conference in 1992, he claimed to have helped free over 2,000 political prisoners from Castro's jails. This is almost certainly an exaggeration. Even in those releases for which he has been credited, García Márquez was actually less helpful, and more calculating, than he claims. He takes credit, for instance, for Norberto Fuentes's exit in 1994; but Fuentes himself ascribes more importance to his own hunger strike, and to the protests of American writers. Fuentes told me that García Márquez mysteriously began to shun him in early 1989, when Fuentes fell out of favor with Castro. The two did not speak again until just before Fuentes left Havana.

And consider the case of Heberto Padilla. Instrumental in legitimizing the poet's persecution by Castro, García Márquez later accepted praise for assisting Padilla's eventual escape from Cuba to the United States in 1980. But history does not quite support his self-congratulation. In 1978, Padilla, still suffering house arrest and harassment, approached García Márquez at a Havana hotel, importuning him to use his influence with Castro to arrange an exit visa to Spain. García Márquez told Padilla coldly that "your leaving Cuba at this moment would harm the Revolution." García Márquez warned that counter-revolutionaries in Spain would exploit the event; worse, journalists would be waiting for Padilla at the airport, ready to generate stories that would make Castro look bad.

Most of the pleading with Castro on Padilla's behalf was actually done by Senator Ted Kennedy. García Márquez's role seems to have consisted of lobbying the Venezuelan Congress to refrain from a resolution supporting Padilla that would have embarrassed Castro and, later, of showing up to escort Padilla out. Castro himself told Padilla, cryptically, that "García Márquez has worried a lot about your case." In his memoir, Padilla suggests this did not mean that García Márquez had pressed the Cuban dictator to release the poet as a matter of conscience. Rather, García Márquez felt discomfited that Padilla's plight had been the occasion for his own falling out with the other superstars of Latin American literature.

Padilla recounts his last meeting in Havana with García Márquez this way:

> "... I cannot hide from you the fact that it is annoying to be always walking around with a list of names [of imprisoned dissidents] for me to bring up when I see Fidel," [García Márquez said]. "One day he'll get sick of me; but my question is this, Heberto: Why do you think it is that the Cuban government has the same problems with writers that the Soviet Union had in the past?"
>
> I was surprised by the question. I thought he had already answered it a long time ago in his probing articles written during his visits to the Eastern bloc countries and to the Soviet Union.
>
> He noticed my surprise. "I can assure you that I will keep whatever you say confidential. I know how to keep a secret."
>
> "But, Gabriel, those words of yours are already a part of the answer."
>
> Smiling, he said, "I guess that for a time these dilemmas will not be resolved in any socialist country. The Soviet Union has not found a solution in sixty years."

Another Cuban who learned the hard way about the loyalties of García Márquez was Ileana de la Guardia. She is the daughter of Tony de la Guardia, the legendary Cuban secret agent who ran afoul of Castro in a 1989 purge. After a grotesque show trial, Tony de la Guardia and three other former high officials of the regime were sentenced to the firing squad. Ileana could not quite believe that Castro would execute a man who had worked so loyally for the revolution. She appealed to García Márquez to plead with Castro for her father's life. After all, García Márquez himself went back a long way with Tony and the other de la Guardias: Ileana's husband was the son of Jorge Ricardo Masetti, the Argentine leftist who had been García Márquez's mentor at *Prensa Latina*.

But García Márquez's efforts to save Tony de la Guardia consisted of nothing more than a late night visit to Castro, in which he limited himself to telling his friend elliptically that, if de la Guardia and his codefendants were executed, "nobody on earth will believe that it wasn't you who gave the order." Now that is speaking truth to power! Needless to say, this purely tactical remark made no impact on Castro, and Tony de la Guardia was shot as scheduled. (The whole story is told in *Castro's Final Hour* by Andres Oppenheimer.) Meanwhile, García Márquez stopped returning Ileana's phone calls. He showed up in Madrid shortly after the executions, extenuating Castro's deed: "It was a military trial and there is capital punishment for the crime of high treason in all the legislations of the world," he announced. "That was a little shocking for us," Ileana told me.

IV.

Now the man who brought us the bloodthirsty Gurkhas of Las Malvinas has set himself up as an arbiter of journalistic standards for all of Latin America. In a series of recent speeches and articles, he has decried an ethical crisis in contemporary journalism. He condemns modern newsrooms as "dehumanizing laboratories, where it seems easier to communicate with galactic phenomena than with the hearts of our readers." He has established a Foundation for a New Ibero-American Journalism in Cartagena, Colombia, funded by Western taxpayers via UNESCO, where he gives young reporters pointers in reportorial ethics and style.

In fact, the Latin American press has never been more vibrant and effective than it is today. The media have played a central role in the regional renaissance of democracy and civil society, exposing corruption and human rights abuses from Mexico to Chile. A few years ago, the Brazilian weekly *Veja* almost single-handedly brought about the impeachment of President Fernando Collor de Mello. This welcome change is due partly to the growth of the private sector, which has permitted the financing of sophisticated non-state broadcasting, and has freed print media from their traditional dependence on state-supplied paper and government advertising. And it is due as well to the courage of individual reporters such as Gustavo Gorriti of Peru, who has documented

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both governmental and guerrilla atrocities in his country, and Carlos Fernando Chamorro, an ex-Sandinista who has learned from his propagandist's past and now writes what may be the first trustworthy political reporting in Nicaraguan history.

García Márquez would have us believe that everything was better in the 1950s, when he was a cub reporter bouncing around Bogotá, Barranquilla and Caracas. "We journalists always stuck together, we had a life in common and were so passionate about our work that we didn't talk about anything else," he told the annual meeting of the Inter-American Press Association in 1996. This self-aggrandizing nostalgia obscures the grim past of the Latin American press: the bribery, the factual inaccuracy, the rampant political clientelism—not to mention the fact that García Márquez himself spent some of this golden age dunning colleagues on behalf of the Communist Party, or the fact that, according to Jacques Gilard's account, García Márquez's own reports from Paris in the 1950s were little more than recycled articles from *L'Express* and *Le Monde*, though generally García Márquez did not cite his sources.

In many places in Latin America, of course, reporters are still subject to the bribery and bullying of the authorities. In Peru, Alberto Fujimori recently stripped an Israeli-born TV news entrepreneur of his Peruvian citizenship as retaliation for his station's reports about Fujimori's domestic political spying. It is only in Cuba, however, that independent journalists are systematically harassed and jailed, that the press is still controlled outright by the state. García Márquez has barely lifted a finger to change that scandalous situation, much less raised his voice to denounce it. Indeed, he has claimed for years that he has written a critical book about socialism in Cuba, but will publish it only after the United States lifts its trade embargo against the island.

Uncomfortable with institutions that hold men of power accountable for their actions, and addled by his resentment of America, García Márquez cannot comprehend the role of a free press, or other manifestations of the new democratic and capitalist order in the hemisphere. He seems to believe that the latest covert operation of the United States in Latin America is Latin American democracy itself. "I ask myself if this type of democracy isn't too vulnerable and, above all, if the United States continues to pose a very great danger to us," he told *Newsweek*. His posturings have

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become even more empty and self-contradictory than usual. García Márquez's most recent stunt was to depart for self-imposed exile from Colombia once again, proclaiming that he could no longer abide the corrupt rule of President Ernesto Samper, a man whom he had previously defended from *gringo* charges of narco-democracy. His refuge? That great drug-free zone, Mexico. (It is just a matter of time before we hear about his intense friendship with, and the Herculean work habits of, Cuauhtémoc Cárdenas.)

García Márquez's advice to young journalists is very, very strange. At his seminar in Cartagena last year, a dozen of Latin America's most promising reporters heard him declare that "journalism is not a job, it's a gland." Picking up the morning Cartagena paper, he turned to the classified ads. A woman was selling her brand-new stove, still in pieces. "Why is the stove unassembled?" García Márquez wondered. "This could be a story. Should we call?" No one at the table knew quite what to say.

But if that non-story qualifies for García Márquez's front page, his own partnership with Castro is not necessarily the news. "This is not an interview," he barked when a member of the seminar broached the subject. "If I want to express my opinion on Fidel, I'll write it myself, and believe me, I'll do a better job." (Besides, this professor of journalistic ethics charges up to $10,000 for an interview, using the proceeds to finance his film institute in Havana.) "Fidel is one of the people I love most in the world," he explained. "A dictator," someone muttered. The writer shot back: "To have elections is not the only way to be democratic." But a Venezuelan member of the seminar persisted: "No one has elected you to office. You don't have a public office, why do you act as Fidel Castro's honorary chancellor?" "I will not respond to a question asked in bad faith," García Márquez huffed. "I do it because he is my friend, and I believe one must do everything for one's friends. I am always running errands for my friends."

Only a few months after this remarkable exchange, the author of *News of a Kidnapping* stood before the Inter-American Press Association and denounced "bad journalists [who] cherish their source as their own life, especially if it is an official source, and endow it with a mythical quality, protect it, nurture it, and ultimately develop a dangerous complicity with it...." The errand-runner lacks a sense of irony. He also lacks a sense of decency. •

Hostility In America

BY JAMES Q. WILSON

Crime Is Not the Problem: Lethal Violence in America by Franklin E. Zimring and Gordon Hawkins

(Oxford University Press, 259 pp., $35)

One of the more frustrating difficulties facing students of crime is our inability to compare crime rates across countries. Interpol gathers crime data from national police agencies, but it does so in a way that make its reports next to worthless. The agency fails to assess the quality of the accounts that it receives, and it presents them in a way bound to cause confusion. Thus, not long ago, someone published an op-ed essay in which the author claimed that the Netherlands had a higher murder rate than did the United States. That is, to put it mildly, an implausible idea. In his defense, however, he displayed the Interpol report. At first glance, the document seemed to confirm his view, until one noticed that every homicide reported for the United States was completed—that is, there was a dead body—but the homicides reported for the Netherlands included both completed and attempted (no dead body) homicides. The attempts, of course, far outnumbered the actual murders, and there was no explanation of how the Netherlands decided which actions were attempted murders and which were just everyday assaults. We do not know very much, in short, about how the characteristics of nations or their various criminal justice policies affect crime rates.

Franklin Zimring and Gordon Hawkins, two members of the Earl Warren Legal Institute at the University of California at Berkeley, have plunged into this thicket, fully aware of the snags that it contains, to sort out how American crime rates differ from those of comparably industrialized nations. No one will be surprised to learn that the United States has a far higher rate of violent crime, especially homicide, than Western Europe or Australia. But some may be astonished to learn that the rate of property crime here is similar to the rate of property crime elsewhere, and in many cases it is much lower. Zimring and Hawkins conclude that what is often described as the American "crime problem" is in reality a lethal violence problem, and that the main goal of public policy ought to be to reduce violence.

To do that, we must first understand why our rate of violence is so much higher than in England, Australia, France or Germany. The answer given by Zimring and Hawkins is that we kill each other more often (and engage in property crimes, such as robbery, that often have fatal outcomes) in large part because Americans are more heavily armed than are other societies. Opponents of gun control will reflexively object to this conclusion, but, if they are to prevail, they will have tough going against the arguments made here. Using data from the World Health Organization, a group that counts dead bodies instead of merely repeating police reports, and gathering facts from big-city police departments abroad, Zimring and Hawkins show that American cities are not very different from foreign ones of similar size with respect to theft or burglary, but they are vastly higher with respect to robbery and homicide. New York City has less theft and burglary than London but vastly more robberies and homicides. The same difference exists between Sydney, Australia, and Los Angeles.

Robbery involves the threat of violence; burglary need not involve violence, though violence may occur if the dwelling is occupied when the burglar enters. In neither crime is death likely. But thefts in American cities are more likely to lead to death than are thefts in other nations. In 1992, there were seven deaths in London resulting from a burglary or robbery; in New York City, there were 378, even though New York has fewer such crimes than does London. American property crimes are much more deadly than English ones, in large measure because our thieves are armed. And much the same story can be told about assault. When one Londoner attacks another, death occurs in less than one-half of 1 percent of the cases, but when one New Yorker attacks another, death is the result in over 3 percent of the cases. The reason in part is that firearms are used in 26 percent of all

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New York assaults but in only 1 percent of assaults in London.

Still, the use of guns is not the whole story. If one looks only at robberies in which no gun was involved, the death rate in New York City is still three times as high as it is in London. Even in murder cases, guns are not essential: 30 percent of all American homicides did not involve a gun. This means that New Yorkers without a gun kill one another more often than do Londoners however armed. Obviously something more than weaponry makes New York a more lethal environment than London.

Since guns are not the whole story, we have extraordinary differences among our states in how frequently people are killed. Maine and North Dakota have the lowest homicide rates in the country, less than one-tenth of the rates in Louisiana and Mississippi, but the reason cannot be that no one in Maine or North Dakota owns a gun. Rural states are probably armed to the teeth, as anyone knows who has visited them during deer hunting season. The answer must be that personal encounters in rural states are more law-abiding and less productive of personal violence. North Dakota not only has the second-lowest murder rate, it has the second-lowest property crime rate.

Zimring and Hawkins suggest that many American communities are more dangerous not only because guns are more available, but also because personal conflicts are more frequent and more violent. In their words, firearms are "neither a necessary nor a sufficient cause of violent death," but they are a contributing factor. If two men meet in a bar or on a street corner and have an argument, the result of that quarrel will depend heavily on what weapons might be available with which to manage any escalating violence. If there are only fists, only a fist fight can ensue; if there are guns, there may be a fatal shootout. Many years ago Zimring published articles suggesting that murder was often the consequence of an ambiguously motivated assault: at the outset, nobody intended the death of the other, but, as the fight progressed and a gun was at hand, death was the result. To reduce deaths one must either reduce the likelihood of fights or disarm the fighters.

In their new book, Zimring and Hawkins largely reject other popular explanations for violence. They have little use for studies of the impact of the media, and I think that their rebuttals are essentially correct. Violence in the media is everywhere, in London as much as in New York, in Sydney as much as in Los Angeles, and yet those places differ dramatically in lethal behavior. When all cities are exposed to the same media, it is hard to see how the media can explain differences in violence. No doubt there are copy-cat killers, but their numbers are too small to explain why people in Tokyo almost never kill and those in Atlanta often do.

Violence also accompanies drug dealing, but the proportion of murders that are connected to the drug trade is too small to make much of a difference. The best estimates are that no more than 10 percent of all killings are connected to the drug trade, though from time to time the percentage is much higher in a few cities. Moreover, the laws on drug-dealing are about as tough in Australia as they are here, but drug-connected deaths are about sixty times more common in Los Angeles than in Sydney. In the United States, drug dealing on a large scale has probably created an array of armed gangs that make violent encounters, and thus lethal ones, more likely. But why? That is like asking why the vast majority of drug users are in this country even though almost every country has similar laws.

There is another contributing factor that the authors confront, but not, I think, quite adequately. They ask whether the very high rate of violence among African Americans explains the American homicide rate. There is no denying the core facts. Blacks are five times as likely to kill as are whites; black males are six times as likely to kill as are white males. Homicide is the leading cause of death among young black males, but it is the tenth cause for Americans as a whole. Zimring and Hawkins do not have much to say about why this is true, except to argue that it is probably because African Americans live disproportionately in urban "slum neighborhoods" and because less violent middle-class blacks live in "racial zones" that put them in close proximity to poor blacks.

This is not much of an explanation. Just limiting ourselves to big-city residents reduces the black-white difference in homicide from eight times nationally to only (only!) four times at the big-city level. Moreover, other equally poor and geographically isolated urban groups have much lower crime rates. Koreans, Vietnamese and Chinese are often poor, and recent arrivals, and many of them live in similar "racial zones," but they kill at a far lower rate than do African Americans.

Now, explaining these differences is not easy. I am not certain what it is, but I expect that it has much to do with the legacy of slavery, lynching and past failure to enforce the law when blacks harmed other blacks. Oddly, Zimring and Hawkins write as if the explanation is either unimportant or obvious. It is, in fact, neither. If African American murder rates were the same as white murder rates, the national murder rate would drop substantially. The effect of lowering the black murder rate to equal the white one would not make America as safe as other industrialized nations, but it probably would have at least as big an effect as banning the existence of all handguns. Non-gun homicides in New York

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The ancient realists were Epicureans, and they were regarded as dangerous to civilization by Roman leaders, who favored the idealistic philosophies of Platonism, Aristotelianism, and Stoicism. Epicureans denied Providence, viewed man as an evolved animal, saw virtues and laws as manmade, avoided involvement with government, spurned communism, and welcomed women and slaves as fellows. Jews abhorred Epicureans. Nevertheless, evidence exists that Jesus based his teaching on Epicureanism, only changing its theory of how immortal gods are made into a theory of how immortal human beings are made. This evidence is in the recently discovered *Gospel of Thomas*, a collection of 113 sayings of Jesus which radically differ from the Bible's. They are demonstrably notes taken while Jesus taught, for they match chronologically the vestiges of history that underly the Markan myth. They reveal the historical Jesus and his recurring use of Epicurean tenets.

You Will Not Taste Death
JESUS AND EPICUREANISM
by Jack Hannah, 321pp.pbk. $12 postpaid. Frank Publishing, 1816 Springmill Road, Mansfield, OH 44903-8907

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Four Corners, Vermont

October sun, blue sky
burning the fields sienna,
even the governor upstate
raking a lawn, his kingdom
of this world. That afternoon
on Main Street, at the four
corners, the cop was trying
to push a small bat with
the butt of his pistol from
the window-box by the door
of the Putnam Hotel, an
unused window-box
where the bat, mistaken, caught
by daylight, had fluttered down
like a fallen leaf. Three
townsmen, not doing much
but holding their own, keeping
up on the news, kept watch.
The policeman laughed, tucking
his pistol back in its
holster. The teenage bellhop
so far with nothing to do
has pitched the bat out now.
It quavers to the walk
by the rail of the hotel stairs.
The bellhop and a man
wearing a jack shirt, worn
and too small for his arms,
stomp at it, grinding their heels
between the palings. The boy
runs back inside. It is
Norman Rockwell-ish, this
tableau the passers-by
are watching. Soon the boy
is back and kneeling with
a fork. The leaves have fallen
but the day is warm; even
the governor tidies his lawn.
The boy will jab at the black
remnant, the tines will ring
out, hitting the pavement
again; again. Everyone
in the land must know his place,
any beast
of the field his lair, his own.

Stephen Sandy

City are three times as common as all homicides in London, a number that is only a bit smaller than the difference in white-only homicide rates between the two countries.

In fact, Arnold Barnett of MIT has made some calculations that suggest that the homicide rate of adult black males has in fact been coming down much faster than the white homicide rate. No one is quite certain why this has occurred, though certain possible explanations—social progress, residential relocation—are obvious enough. We tend to forget these trends and to dwell instead on the great increase in juvenile homicide rates that took place between 1985 and 1992. Young people, white and black, were becoming much more lethal in the late 1980s, probably owing to the spread of gangs, their involvement in drug trafficking, and easier access to guns. The increase was greater for blacks. In the last few years, that rate has declined a bit, and this probably helps to explain why the homicide rate generally in the country has experienced so sharp a dip.

But this dip may prove to be short-lived. Census figures show that there will be an increase in the proportion of young people on the streets in the next few years, and there is no reason yet to suppose that those who now lead a life of no fathers, gangs for friends and easy dollars in the drug trade have decided to abandon that life. Rescuing young people from those conditions, a frightfully difficult and expensive proposition, may be as effective as figuring out a way (none now exists) to deny them access to the knives and guns with which they can kill others.

Zimring and Hawkins neglect almost all of these issues in their desire to reassure us that there is no "black problem" in crime. I'm sorry, but there is. It is certainly not the whole problem, and solving it would certainly not solve America's violence problem; Zimring and Hawkins are right to point out that equalizing racial differences in murder, desirable as that may be, would still leave America's homicide rate at least twice as high as the rate in other major industrialized nations. An all-white America would be much more lethal than Italy, Canada, France, Germany and England, and vastly more lethal than Japan. But that is not the end of the story. It is impossible to deny that very high rates of violence among African Americans (rates that may have been coming down of late among black adults) not only contribute mightily to the problem of life in our cities, they also disfigure and polarize any effort to deal with our most serious domestic problem. The authors at least acknowledge this effect. As long as black violence is at so high a level, they observe, it will reinforce "white fear in ways that palpably contribute to the exclusion of blacks from the social mainstream."

By this point the reader expects that Zimring and Hawkins will offer some remedies for murder. Given their analysis, there are only two such remedies: reduce the availability of guns or lower the frequency of hostile encounters. But they suggest neither. Though they devote two long chapters to "Prevention," reading them reminds me of watching Mike Hargrove getting ready to bat. He comes to the plate. He stretches his shirt, tugs at his glove, pulls at his pants, shifts his cap, adjusts his grip. He gets in place. Then he backs out and does this all over again. To watch Hargrove at bat was like killing time during a rain delay. Will this ever end?

In this book, no. Zimring and Hawkins write that a "book of this kind would be a terrible place to posit a detailed and comprehensive program of loss prevention from violence. . . ." A terrible place? Franklin Zimring has devoted much of the last thirty years of his professional career to studying the impact of guns on violence, and he still has nothing to say about what we should do? If not now, when?

Of course, he does have a few things to say, but mostly by way of criticizing other people's ideas. Zimring and Hawkins dislike many of our prison policies because they think that, under the impact of those policies, we send too many nonviolent offenders to prison. They argue that, in California, the "three strikes" law has had no connection to the recent reduction in the rate of violent crime, but they leave the explanation of this controversial judgment to a document that they do not bother to summarize. (You will have to look it up. But I warn you, it will be a waste of your time.) They attack people who support various popular anti-crime programs for making absurd predictions and failing to evaluate the results.

They are probably right about this. But what programs do they favor, and how should we evaluate them? They speculate about regulating handguns, but they offer no idea as to how it might be done better. They ruminate about violent encounters, but they suggest no way to reduce their frequency except to suggest that victims be "as cooperative as possible" if they are threatened by a robber. They note that some people are trying to teach violence avoidance in the schools, but they conclude that there are "insufficient data to form a judgment" as to whether these plans work.

Perhaps Zimring and Hawkins are vague because they do not have any good ideas. That is not an embarrassing predicament. Very few people have good ideas about this subject, and for good

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reason. Eric Monkkonen, after years of careful digging in historical records, has been able to show that the homicide rate in New York City has exceeded that of London by a factor of at least five *for the last two hundred years.* Similarly, Roger Lane has shown that in the early nineteenth-century Philadelphia had a high homicide rate. Big-city Americans were killing each other at a far higher rate than were Londoners long before the invention of radio and television, and long before the introduction of semi-automatic weapons (and automatic ones) or the sale of any drugs (other than alcohol). It is very hard, I think, to devise an easy way to reduce a homicide rate that has been so high for so long. The hostility of American encounters is at least as important as the presence of American guns. If New York City can have a *non*-gun homicide rate that is three times larger than the total homicide rate in London, then removing all guns from the United States (which is impossible) would still leave us in a troubling condition.

Suppose we take Zimring's and Hawkins's analysis of the problem as correct, and then try to imagine what might be done. We must begin with the fact that the private ownership of guns cannot be substantially reduced. There are no point-of-sale restrictions that will reduce this huge stock by very much. Moreover, point-of-sale restrictions overlook the fact that most guns used in crimes are stolen or borrowed. And no government can do very much when people believe, with some empirical support, that having a gun makes you safer.

Using the data compiled by the National Crime Victimization Survey (NCVS) of 56,000 families, scholars have estimated that there are, at a minimum, between 65,000 and 80,000 defensive gun uses per year. Some estimates based on private polls suggest much higher defensive uses, ranging up to 1.5 or even 2.5 million. The data supplied by private polls are controversial, since so much depends on inferring society-wide effects from the answers of a tiny number of respondents. (If, to take a recent study, only 54 people out of 2,500 surveyed said they used a gun to defend themselves, then each of the 54 represents 68,000 Americans. Reporting errors—lies, exaggerations, poor memory—on the part of just a few people can have huge effects on the total number of defensive gun uses.) So consider instead the much larger and more reliable NCVS, conducted by the Census Bureau, according to which defensive gun uses in America are not trivial: 65,000 to 80,000 uses each year. No democratic government can afford to say that, while it is having its own trouble protecting people against crime, it wants to deprive these 65,000 people of the means to protect themselves. Under such conditions, you don't need the National Rifle Association to defeat a government effort to disarm Americans.

There are more desirable and less controversial forms of gun control. The most important is to reduce the chances that a person will carry concealed on his person an unlicensed weapon while he walks about town. With a bit of new technology that is now being developed, it may become much easier for the police to spot and to question such gun carriers. Doing this may reduce the rate at which guns will cause angry encounters to escalate into lethal violence.

We also might wonder a bit about the magnitude of our penalties for homicide. They are about the same here as in Europe—that is to say, they are short in both places. Nationally, the median homicide inmate is released from prison after only about six years, while in California the release comes after about three-and-a-half years. Even many offenders sentenced to prison "for life" spend much less time there. Some inmates, of course, spend a lot of time in prison. But the small number of years the median (and the average) offender serves suggests the low price that we generally place on the average victim's life. These sentences should be made longer.

And much remains to be done, finally, to lead children away from a life on the street. We are still trying to learn how best to do this, but a growing body of evidence suggests that early intervention in the lives of very young, at-risk children and their mothers (often there is no father) can make a lasting difference. It will take another generation to learn whether these plausible guesses will bear lasting results for large number of children, but the nation's perpetually high homicide rate suggests that it might be time well spent.

Above all, we will have to learn to think about our crime problem historically. It took England several centuries of tough rule, brutal punishment and the inculcation of class-based values to achieve a low homicide rate. America has spent less time at the task, and it has sought to inculcate different values. As someone once said, the low murder rate in England is produced the same way you produce good lawns: plant good seed and then roll it for three hundred years. Zimring and Hawkins offer some sensible data on violent crime rates, but they plant no seeds and they roll no lawns.

JAMES Q. WILSON is the author most recently of *Moral Judgment* (Basic Books).

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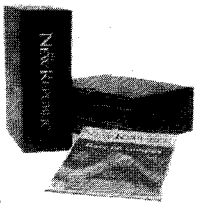

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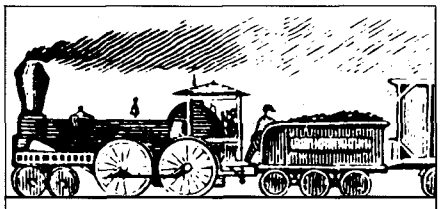

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Out of context

WHAT FOLLOWS ARE SOUVENIRS from a season of startled reading. I have taken all these pronouncements unfairly out of context, of course.

Great works of science and literature—Euclid's geometry, Plato and Horace, the Bhagavad-Gita, the Iliad and Icelandic sagas—all existed long before the printing press, so humans were clearly able to conceive them, but they had a very limited customer base.

—Nathan Myhrvold, quoted in *The New Yorker*, May 12, 1997.

For this reason, Auschwitz becomes a very powerful and unpredictable place to spend an extended period of time. I think the amplification of emotion occurs because one is forced to embrace and accept the interrupted lives—the trapped souls that are everywhere to be found—and integrate them into one's consciousness. They are looking over your shoulder all the time, they demand that you *pay attention*, not just to them but to your own life and mind. Perhaps it's not an accident that they call this place a "concentration camp."

—Peter Cunningham, in "Bearing Witness, Notes from Auschwitz," *Tricycle: the Buddhist Review*, Spring 1997.

By straining at the limits of what can fit into a twenty-two-minute slot (rather than visibly struggling to fill it, like most shows), *Seinfeld* distends time.

—Geoffrey O'Brien, in *The New York Review of Books*, August 14, 1997.

While it's easy to be piously absolute about the virtues of integration, statements of principle carry only so far.

—Henry Louis Gates Jr. and Hendrik Hertzberg, in *The New Yorker*, July 7, 1997.

World War II was between Stalin and Hitler, who both hated us, so why should we consider that as our own war? I feel that in Israel we feel much less than Jews in America that what happened in Europe is intrinsically part of our history.

—Natan Sharansky, in *The New York Times*, July 27, 1997.

Being a writer, Sobran misreads Shakespeare as academics do: He treats him as a writer.

—Charlton Heston, in *The Weekly Standard*, May 19, 1997.

Since the end of slavery black America has lived with the constant fear of imminent annihilation at the hands of an angry white populace unwilling or unable to abandon the legacy of racism.... Such widespread support for the perception of black genocide is rooted in an American political landscape that has historically mistreated and abused its African-American citizens.... These are the very serious and dangerous issues that form the underlying premise of *The School on 103rd Street*. It is a work of fiction of course. But it would indeed be unfortunate if future historians view it as having foreshadowed the inevitable "final solution" for the "race problem" in America.

—Roland S. Jefferson, in his foreword to the reissue of his novel *The School on 103rd Street*, just published by Norton.

[I]f the Chinese start to mess with Hong Kong—either by fiddling in its stock market or seriously restricting the free flow of information—then China will be punished by that most brutal, efficient, and immediate of diplomatic tools: the A.T.M. machine.... God save Mao's legacy and Merrill Lynch.

—Thomas L. Friedman, in *The New York Times*, July 3, 1997.

The major criticism of the Inquisition and Stalinism is not that they got the wrong people, but that even if they got the right people, they got them for the wrong reasons.

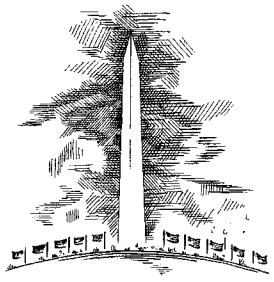
—Alan M. Dershowitz, in *Slate*, June 3, 1997.

It is arguable that the history of the Jews in this century has produced one of the most richly rewarding periods in Jewish History. Yet, this fact is somehow kept neatly hidden. WHAT? Compare Philip Roth to Sholem Aleichem? Kafka to Moses de Leon? Walter Benjamin to Rashi? Wittgenstein to Spinoza? Steve Reich to Felix Mendelssohn? Allen Ginsburg to Yehuda Halevi? Einstein to Nostradamus? Lenny Bruce to Hillel? *Burt Bacharach is such a name.*

—John Zorn, in his notes to *Great Jewish Music: Burt Bacharach*, Tzadik Records.

It is undoubtedly someone's responsibility to name that which is stupid. In the recent past, the task of denouncing stupidity, as if in response to an ethical call, used to fall to the "intellectual".... Locating the space of stupidity has been part of the stealth contract binding any intelligent—or, finally, stupid—activity that seeks to establish itself and territorialize its findings. The relatedness of stupidity to intelligence and, possibly of greater consequence, the status of modulations, usages, crimes, and valuations of stupidity itself, remain to a large degree absent from the concerns of contemporary inquiry. Yet, stupidity is everywhere.

—Avital Ronell, "The Uninterrogated Question of Stupidity," in *differences: A Journal of Feminist Cultural Studies*, 8.2 (1996).



All the records have been made under Republican Administrations. But if Clinton doesn't start doing a better job, we're going to have to make another record.

—Charlie Haden, in *The New York Times*, June 24, 1997.

A good critic is someone who doesn't know what he or she thinks before the experience but who has an idea about it afterward, and is able to explain that idea to someone else. Going in with an open mind is as difficult as coming out with a formed opinion; neither is as difficult as expressing the whole experience in clear and compelling language. People who can do this successfully, over and over, occasion after occasion, are as rare as people who can create poems and paintings worth explaining in the first place, and there tend not to be a lot of them around at any given time.... Admire, and move on.

—Louis Menand, in *The New York Review of Books*, June 26, 1997.

As I write these lines, Cunanan's wretched life has been cut short. I have lost a reader, but I no longer need ask myself whether, as a lurid tabloid article suggested, this particular fan is headed for the Hamptons to make my acquaintance.

—Louis Begley, in *The New Yorker*, August 4, 1997.

Maybe now, at the threshold of the twenty-first century, the idea of kibbutz is more timely than ever before.

—Amos Oz, in *Dissent*, Summer 1997.

There is no escaping incest, not in life or in literature.

—Margo Jefferson, in *The New York Times*, May 29, 1997.

LEON WIESELTIER

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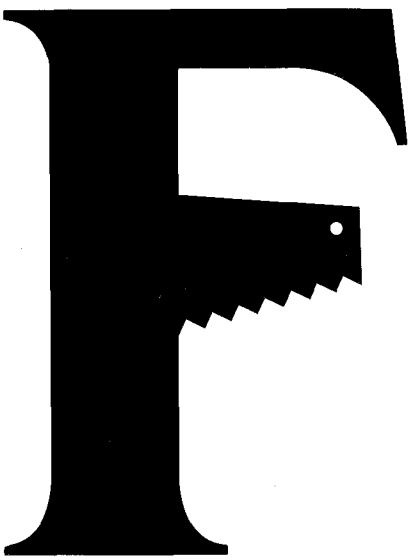

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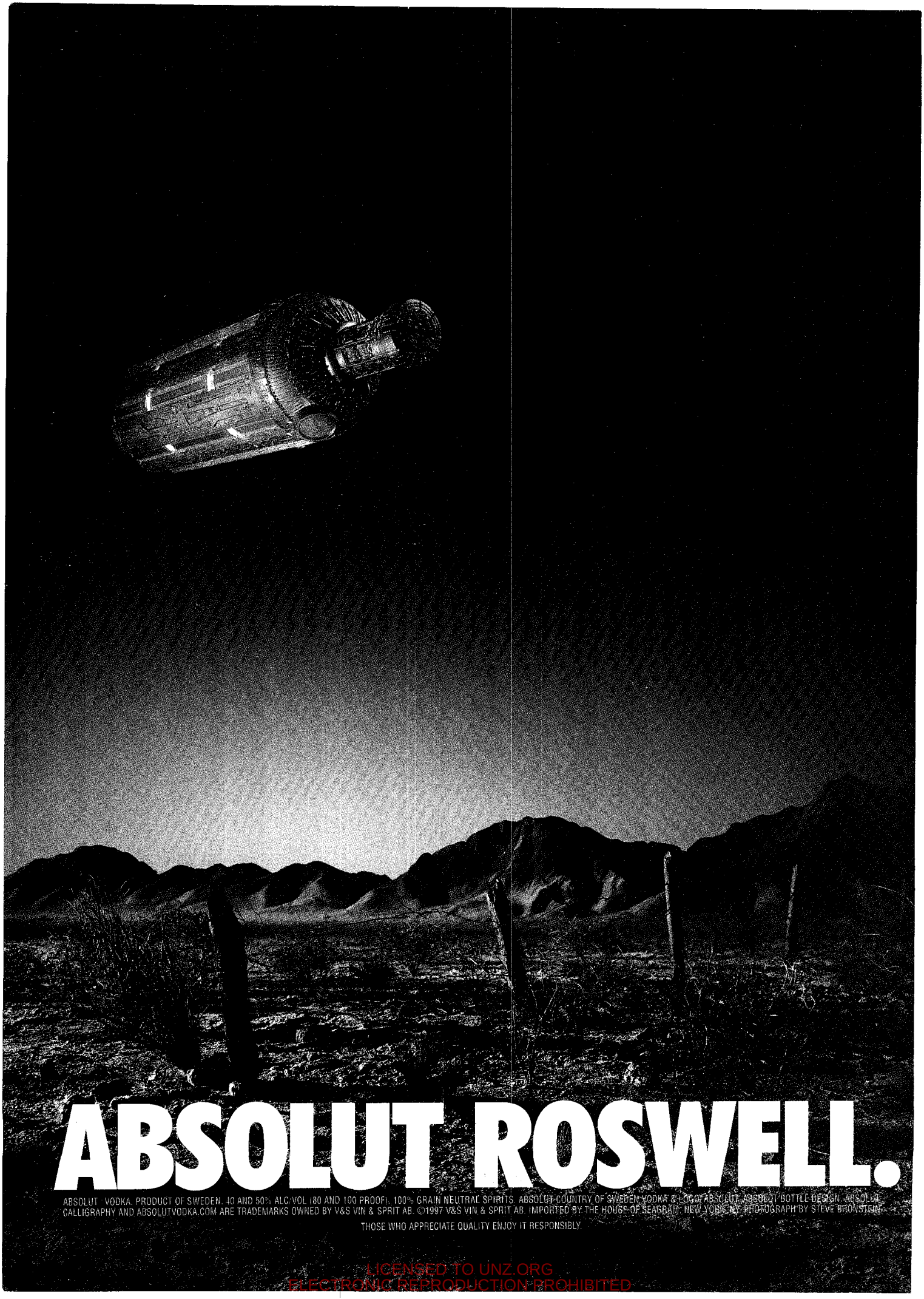

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